



AGENDA
RIO DELL PLANNING COMMISSION
REGULAR MEETING—6:30 P.M
THURSDAY, AUGUST 27, 2015
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL

E. CONSENT CALENDAR

- 1) 2015/0827.01 - Approve Minutes of the June 25, 2015 Regular Meeting **(ACTION)** **1**

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2015/0827.02 - Adopt Resolution No. PC 89-2015 approving a one (1) year extension of the Teasley Subdivision, 364 Center St., APN 052-301-012, Case No. PMS 12-01 **(ACTION)** **8**
- 2) 2015/0827.03 - Adopt Resolution No. PC 90-2015 approving an application for a Variance for Anthony Ponnay at 351 First Ave. to reduce the rear yard setback from 10 feet to 2.5 feet and a side yard setback from 5 feet to 2.5 feet **(ACTION)** **27**

3) 2015/0827.04 - Adopt Resolution No. PC 091-2015 approving the Nally Lot Line Adjustment between two parcels located at 375 Nally Lane and 109 & 111 Creek St., APN's 052-051-007 and 052-051-008, Case No. LLA 15-01 (ACTION) 46

4) 2015/0827.05 - Review final version of Land Use Matrix and recommended changes to the Zoning and General Plan Land Use Designations (DISCUSSION/POSSIBLE (ACTION))

H. ADJOURNMENT



In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

The next Regular meeting is scheduled for September 24, 2015 at 6:30 p.m.

CITY OF RIO DELL
PLANNING COMMISSION
REGULAR MEETING
JUNE 25, 2015

The regular meeting of the Rio Dell Planning Commission was called to order at 6:30 p.m. by Commissioner Angeloff.

Present were Commissioners Angeloff, Long, Leonard and Millington. Absent was Commissioner Wilson.

Others present were Community Development Director Caldwell and City Clerk Dunham.

CONSENT CALENDAR

Approve Minutes of the March 26, 2015 Regular Meeting

Community Development Director Caldwell referred to page 3 of the minutes and said he wanted to confirm the Commission's intent regarding *Nurseries and Garden Centers* to recommend they be principally permitted in R and TC zones. He said that currently the R designation allows for roadside sales of products produced on-site and based on the lack of larger, vacant TC parcels, staff would recommend that *Nurseries and Garden Centers* not be allowed in the TC zone but be principally permitted in the CC zone.

Commissioner Millington recalled discussing whether to principally permit nurseries in the TC and at the end of the discussion found no reason not to. She mentioned the former nursery at Cedar and Sequoia and said she could see small scale nurseries in the TC zone.

The Commission agreed to keep the door of opportunity open by principally permitting nurseries and garden centers in R, TC, NC and IC as noted on the draft Land Use Matrix.

Motion was made by Long/Millington to approve the minutes of the March 26, 2015. Motion carried 4-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSION

Conditional Use Permit for Design Review of a proposed 840 square foot restaurant and 200 square foot attached deck with a drive-up window (The Green Bean) located at 281 Wildwood Ave. (APN 053-141-052)

Community Development Director Caldwell provided a staff report and said the proposed restaurant (The Green Bean) is for the most part organic and will be providing coffee, smoothies, pastries, soups and sandwiches.

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JUNE 25, 2015 MINUTES
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He noted the proposed use is principally permitted in the TC zone however; is subject to the City's Design Review regulations for the purpose of encouraging high quality land/site planning, architecture and landscape design; and to ensure physical, visual and functional compatibility between uses; and to ensure proper attention is paid to the site and architectural design, thereby protecting land values.

He said staff sent out 45 notices to neighboring property owners and received no calls objecting to the project. He noted that those that did stop by to look at the plans were in support of the project.

He stated that the picture included in the planning commission packet to depict a traditional western look as the type of store front is no longer being proposed. He said the applicant recently contracted with a designer to modify the plans accordingly and came up with some very nice renderings.

The applicant, Tawny Morse presented a large rendering of the new design which staff and commissioners were very pleased with.

He pointed out that staff indicated to the applicant that the City would be willing to support a parking exemption because of the close proximity to the City Parking Lot but she agreed to put in not only the required number of parking spaces, but one additional space.

He continued with review of the three (3) required Design Review findings found in Section 17.25.050(8) of the RDMC which were all made. He pointed out that the architecture, without a doubt enhances the character of the neighborhood.

Staff then reviewed the seven (7) Conditions of Approval including four (4) additional Operational Conditions.

He noted that the proposed plans satisfy the required one-way driveway requirement of 16 feet wide however; the City would be willing to support reducing the drive-thru lane to 12 feet, except in the radius of the drive-thru lane if the applicant chooses to allow more landscaping or a larger footprint of the building. Also, he said the applicant is proposing to put in a bicycle rack although not required, and LED lighting.

He said staff's recommendation is to open the public hearing, receive public input, close the public hearing and deliberate; make the finding that the proposed project is consistent with current zoning and general plan requirements, the Design Review CUP has been processed in accordance with the applicable provisions of CEQA; and adopt Resolution

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No. PC 087-2015 approving the Design Review Conditional Use Permit subject to the recommended Conditions of Approval in Exhibit A.

Commissioner Leonard asked if the parcel was created as the result of a lot split with 255 Wildwood Ave. and asked if the parcel is a Brownfields site. He referred to the contamination at 255 Wildwood Ave. and the existing tanks that still need to be removed.

Community Development Director Caldwell commented that 255 Wildwood is one of four (4) Brownfields sites that need to be cleaned up including the removal of an estimated 430 tons of soil and said an order has been sent to the State and there will be some enforcement activity real soon. He said this parcel was not part of 255 Wildwood Ave. and is clean from any contamination.

Commissioner Angeloff asked for clarification that condition No. 5 would be revised to read that the 6 foot fence would be constructed along the *west* property line rather than the east property line as stated, and that condition No. 6 would be revised to read that the water meter would be relocated outside the property line. Staff concurred.

Tawny Morse addressed the Commission and said she has been looking at this project on paper as well as in her head for a long time and things are going very well.

A public hearing was opened to receive public input on the proposed Green Bean Coffee Shop Design Review Conditional Use Permit.

Frank Wilson stated that he owns the property at 110 Ash St. and if he still lived there would be even more excited about a new drive-thru coffee shop. He said the project is very complimentary to the City and he fully supports the project. He thanked her for choosing to invest in the development of the downtown and said it may help to bring other businesses into Rio Dell.

There being no further public comment, the public hearing closed.

Commissioner Angeloff extended the Commission's sincere apologies for not getting the project moving forward sooner and thanked her for bringing her business to Rio Dell. As President of the Chamber of Commerce, he said they will look forward to holding a ribbon-cutting ceremony once the business opens.

Ms. Morse said she will be having a grand opening and wants to do everything possible to make it welcoming to citizens. She noted that she previously had a clothing store in Fortuna and realized that clothing is optional whereas food is not. She said she added an espresso bar in the store which ended up paying the bills. She said she does want to break the stereotype that "organic" is too expensive.

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She thanked city staff and the planning commission for making the process painless.

Community Development Director Caldwell commented that it is a breath of fresh air to have someone who is so willing to do the right thing and said it was a pleasure working with Ms. Morse.

Motion was made by Leonard/Long to approve staff's recommendation and adopt Resolution No. PC 087-2015 approving the Design Review Conditional Use Permit subject to the recommended Conditions of Approval in Exhibit A as amended. Motion carried 4-0.

Variance Application to reduce the rear yard setback from 10 feet to 2.5 feet and a side yard setback from 5 feet to 2.5 feet for Anthony Ponnay at 351 First Ave.

Community Development Director Caldwell announced the Ponnay Variance application was deferred to the July 23, 2015 meeting.

Continued Review and Discussion of the Draft Land Use Matrix. Potential New Use Types. Appropriate Zones for New Use Types and Definitions

The Commission resumed discussion of the Land Use Matrix commencing with *Recycling Facilities*.

Recycling Facilities: The Commission recommended they be principally permitted in the PF zone and conditionally permitted in the I zone.

Renewable Energy Development: The Commission recommended the use be principally permitted in all zones if less than 15 kilowatts and conditionally permitted if more than 15 kilowatts.

Research and Development: The Commission recommended the use be principally permitted in the I and IC zones.

Research and Light Industrial: The Commission recommended this use also be principally permitted in the I and IC zones.

Resource Protection: Community Development Director stated this pertains to such things as conservation easements which is at the discretion of the property owner and recommended the use type be deleted. Commissioners concurred.

Restaurants: The Commission recommended restaurants be principally permitted in the TC, CC, NC and IC zones.

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Restaurants and Appurtenant Licensed Premises (Bars): The Commission recommended restaurants with bars, etc. be principally permitted in the TC, CC, NC and IC zones.

Restaurants and Sidewalk Cafes: The Commission recommended these types of restaurants also be principally permitted in the TC, CC, NC and IC zones.

Retail Establishments – Large (Shopping Centers): The Commission recommended large shopping centers be principally permitted in CC, NC and IC zones.

Secondhand Stores: The Commission recommended secondhand stores be principally permitted in the TC, CC and NC zones.

Shoe Repair: The Commission recommended the same as above for shoe repair shops to be principally permit the use in TC, CC and NC zones.

Sporting Goods Stores: The same recommendation was made for sporting goods stores to principally permit the use in TC, CC and NC zones.

Storage Warehouses – Private: Staff explained this use would pertain to huge private storage for items such as boats or RV's. The Commission recommended the use only be principally permitted in the I zone.

Storage Public Enclosed (Mini Storage): Staff recommended mini storage be limited to the IC or I zone. Commissioner Angeloff suggested the use be conditionally permitted in perhaps the CC zone as well. The consensus of the Commission was to recommend mini storage be principally permitted in the I zone and conditionally permitted in the IC zone and to not allow in the CC zone.

Tailors: The recommendation was to principally permit tailors in the TC, CC, NC and IC zones.

Telecommunications Facilities (See Quasi-Public Uses): Staff explained this use type includes things such as cell towers or PG&E substations and under Quasi-Public Uses are conditionally permitted in any zone. After discussion, the Commission recommended the use be principally permitted in the I and IC zones and conditionally permitted in all other zones.

Timber Production with TPZ Overlay: Staff noted that this use is currently conditionally permitted in the NR zone but since CDF regulates all timber harvest plans there is no reason why someone should have to obtain a CUP through the planning commission. As such, the Commission recommended the use type be eliminated.

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Variety Stores: The Commission recommended variety stores be principally permitted in the TC, CC, NC and IC zones.

Veterinarians (Small Animals) Completely enclosed within a building: Staff commented on the uncertainty of what distinguishes small veterinarians from large veterinarians when it pertains to land use. Commissioner Angeloff said a small veterinarian could realistically be permitted in the TC zone whereas a large veterinarian could not. The consensus was to keep the two use types separate and recommended that small veterinarians be principally permitted in the TC, CC, and NC zones.

Veterinarians (Large Animals): The Commission agreed to recommend large animal veterinarians be principally permitted in the I and IC zones and conditionally permitted in the TC, CC, and NC zones.

Wetland/Watershed Restoration: Staff pointed out that there is really no need for the City to be involved with the restoration of wetlands or watersheds since the State Department of Fish and Game and the Army Corp of Engineers regulates those activities and recommended the use type be deleted. The Commission concurred.

Wholesale Outlet Stores: Staff pointed out that Wholesale Outlet Stores fall under the retail umbrella. As such, the Commission recommended they be principally permitted in the TC, CC, NC and IC zones.

Wood Products Manufacturing (See Manufacturing): The use type was deleted since it falls under the use type *Manufacturing*.

This concluded the review of the draft Land Use Matrix and potential use types.

Community Development Director Caldwell said staff hopes to come back to the Commission at the July 23, 2015 regular meeting with the final draft of the Land Use Matrix including a complete list of definitions and recommendations so the Commission will have one more opportunity to review the document before the joint meeting with the City Council.

Commissioner Angeloff asked if staff would be presenting the old use types with the newly proposed use types to show the public how they have been expanded.

Community Development Director Caldwell noted that the newly proposed use types will be shown in blue.

STAFF COMMUNICATION/REPORTS

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Community Development Director Caldwell reported on items for the next agenda and said in addition to the final draft of the Land Use Matrix and definitions, staff will be bringing back the Ponmay Variance application and explained the reason the item was removed from the agenda was because the fire department recommended denial of the variance and the fire chief wanted the opportunity to talk to the applicant first. Also, he said he may have a pre-zoning item on the agenda related to the City's wastewater disposal site property in Metropolitan. He said the areas needs to be annexed into the City in order to qualify for property tax exemption.

He asked the Commission for potential dates they could be available for a joint meeting with the City Council. The overall consensus was that any Tuesday or Thursday after July 11th would likely work; perhaps the second Tuesday in August.

ADJOURNMENT

Motion was made by Leonard/Long to adjourn the meeting at 8:05 p.m. to the July 23, 2015 regular meeting. Motion carried 4-0.

Nick Angeloff, Chair

Attest:

Karen Dunham, City Clerk



For Meeting of: August 27, 2015

To: Planning Commission

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: August 17, 2015

Subject: Extension Approval of the Teasley Subdivision; 364 Center Street
File No. 052-301-012; Case No's. PMS 12-01

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed subdivision approval extension;
2. Open the public hearing, receive public input and deliberate;
3. Close the public hearing;
4. Adopt Resolution No. PC 89-2015 approving the requested extension for an additional 12 months. The extension shall expire on August 9, 2016

Discussion

The Planning Commission originally approved the Teasley minor subdivision of a 24,750 square foot parcel into two parcels of about 12,040 and 12,710 square feet on July 25, 2012. The approval became effective on August 9, 2012 and was set to expire on August 9, 2014. The applicant applied for and the Planning Commission approved a one year extension in August of 2015. The applicant is again requesting a one year extension. If approved the subdivision approval will expire in August of 2016.

Section 66452.6 of the Map Act and Section 16.15.130(2)(c) of the RDMC limits subdivision extensions to twelve (12) months. Both local regulations and the Subdivision Map Act allow a total of a three (3) year extension to the original two (2) year approval. The total life of a tentatively approved map is limited to five (5) years.

Both proposed parcels are developed with single family homes and residential accessory structures. Frontage improvements (curb, gutter and sidewalk) and paving was required along the frontage of the property. In addition, the applicant was required to move or relocate the existing storage sheds to meet setback requirements. Attachment 1 includes a copy of the original staff report and conditions of approval.

Section 16.15.130(2) of the Rio Dell Municipal Code identifies the process for approving extensions, including application submittal, the required Planning Commission action, time limits of extensions, conditions of approval, potential appeals and cost recovery.

In reviewing requests for subdivision extensions, staff considers any changes in the original required findings. The original required findings are identified below:

- 1. That the proposed subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and*
- 2. That the proposed subdivision complies with the requirements and standards of the City's zoning regulations; and*
- 3. That the proposed subdivision complies with the requirements and standards of the City's subdivision regulations; and*
- 4. That the proposed subdivision is physically suitable for the type of development; and*
- 5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

There have been no changes to the original required findings. The subdivision is still consistent with the General Plan, Zoning and Subdivision regulations. In addition, the subdivision (parcels) are suitable for their intended use and there is no evidence to suggest that granting the extension will cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff determined that the original approval of the subdivision was Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required. There is no evidence to suggest that the extension of the original subdivision approval will result in a significant impact to the environment. Therefore, staff recommends that subdivision extension approval be found to be statutorily exempt pursuant to Section 15315 of the CEQA Guidelines.

Because there have been no changes in the General Plan, Zoning and Subdivision regulations which would affect the original approval, staff recommends that the Planning Commission approve a one (1) year extension to the approved subdivision. Accordingly, the subdivision will expire on August 9, 2016.

Attachments:

Attachment 1: Original Staff Report and Conditions of Approval.

Attachment 2: Resolution No. PC 89-2015

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



Public Notice

City of Rio Dell Planning Commission

Notice of Public Hearing

On **Thursday, August 27, 2015 at 6:30 p.m.** or as soon thereafter as the mattes can be heard, the Rio Dell Planning Commission will hold a public hearing in the City Council Chamber at City Hall to consider the matters listed below. If you have any questions regarding the proposed projects, contact Kevin Caldwell, Community Development Director at (707) 764-3532.

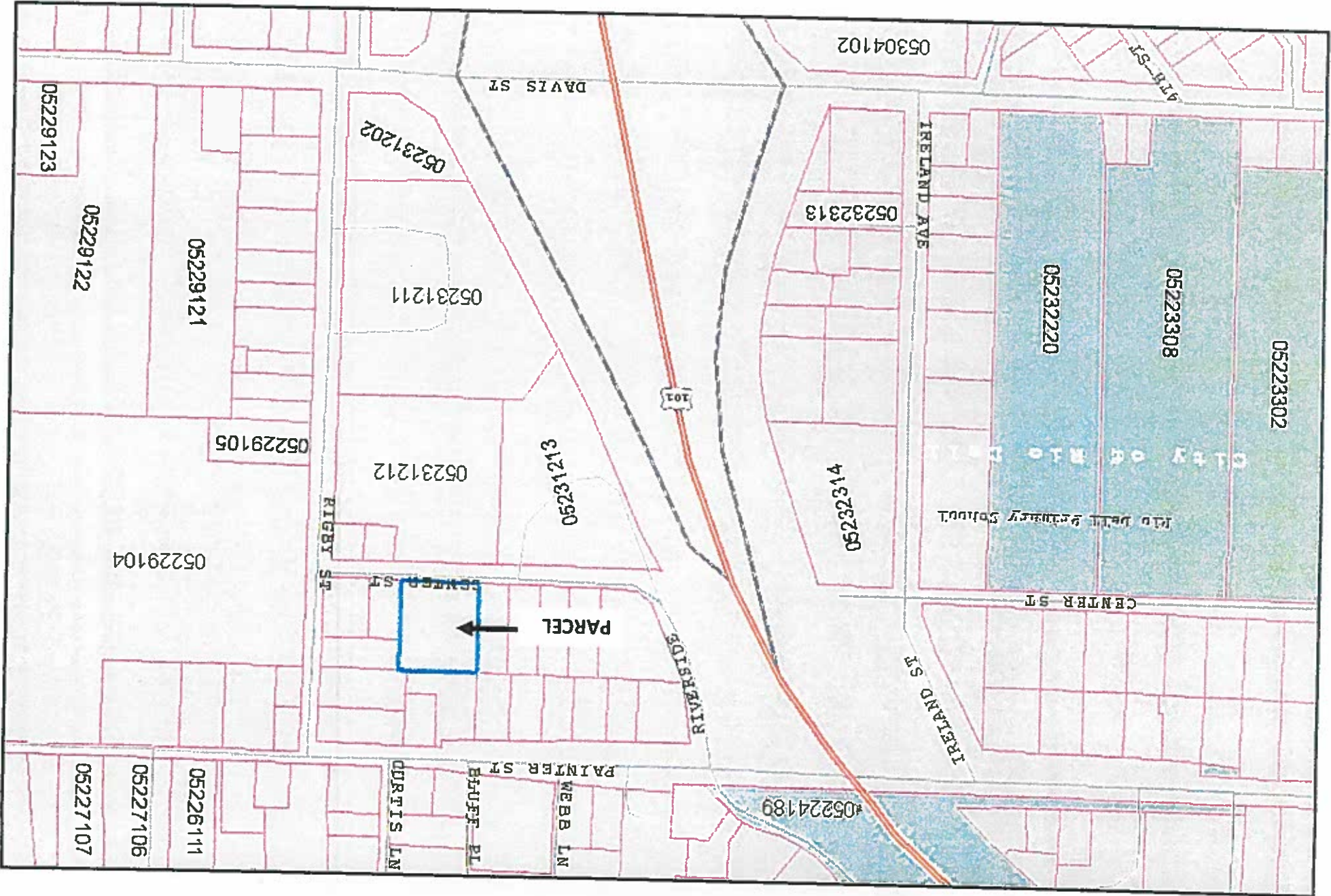
Tasley Minor Subdivision; APN 052-301-012: Approval of a one (1) year extension to a minor subdivision of a 24,750 square foot parcel into two parcels of about 12,040 square feet and 12,710 square feet. The extension will expire on August 9, 2016. The parcel is currently developed with two single family residences. The purpose of the subdivision is to site each residence on its own parcel. **The project is located on property known as 364 Center Street.**

California Environmental Quality Act (CEQA): Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required.

Any person may appear and present testimony in regard to these matters at the hearing. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

The Planning Commission needs **10 copies** of any materials submitted either prior to, or at the meeting. The Planning Commission's decision will become effective if an appeal is not filed within the appropriate filing period. An appeal may be filed by any aggrieved person and must be submitted in writing with the required fees to the City of Rio Dell before the end of the appeal period. If appealed, the decision will not become effective until the appeal is resolved.

General questions regarding the projects, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.



675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: July 25, 2012

To: Planning Commission
From: Kevin Caldwell, Community Development Director
Through: Jim Stretch, City Manager
Date: June 18, 2012
Subject: Teasley Subdivision; 364 Center Street
File No. 052-301-012; Case No's. PMS 12-01

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed subdivision;
2. Open the public hearing, receive public input and deliberate;
3. Close the public hearing;
4. Find that the proposed subdivision: (1) is consistent with the Rio Dell General Plan; (2) complies with the requirements and standards of the City's zoning regulations; (3) complies with the requirements and standards of the City's subdivision regulations; (4) is physically suitable for the type of development; and (5) is Categorically Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations
5. Make the following motion: "I move to make the all the required findings, based on evidence in the staff report and approve the proposed subdivision subject to the recommended conditions of approval."

Summary

The applicant is proposing a minor subdivision of a 24,750 square foot parcel into two parcels of about 12,040 and 12,710 square feet respectively. Both proposed parcels are developed with single family homes and a residential accessory structure.

Frontage improvements (curb, gutter and sidewalk) and paving will be required along the frontage of the property. In addition, the applicant will be required to move or relocate the existing storage sheds to meet setback requirements. All referral agencies have recommended approval of the proposed subdivision.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required.

Based on a site inspection, the nature of the proposed project, comments from referral agencies, staff believes the project will not result in a significant impact on the environment.

The applicant has submitted evidence in support of making the required findings. Therefore staff recommends that the Planning Commission approve the project as conditioned.

Required Findings

Pursuant to Section 66474 of the Subdivision Map Act and Title 16 of the Rio Dell Municipal Code (RDMC) in order approve this project the Planning Commission must determine that the applicant has submitted evidence in support of making all of the following required findings:

1. That the proposed subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the proposed subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the proposed subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the proposed subdivision is physically suitable for the type of development; and
5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff Analysis

1. General Plan Consistency:

The General Plan designation for the project site is Urban Residential (UR). The Urban Residential designation provides for neighborhood residential areas and establishes two density ranges. The minimum lot size is 6,000 square feet for detached single family dwellings with a density of 4 – 7 units per net acre, and 4,000 square feet for attached single family dwellings with a density range of 7 – 10 units per acre. The proposed subdivision is based on detached single family dwellings. Proposed parcels sizes range from 12,040 and 12,710 square feet respectively. The proposed density is 3.97 dwelling units per acre. The proposed subdivision complies with the required minimum lot size and the density range of 4 – 7 units per acre.

There are a number of General Plan goals and policies related to the proposed subdivision. The following table identifies the evidence which supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.

Relevant Plan Section(s)	Summary of General Plan Goal, Policy or Standard	Evidence Which Supports the Required Finding
Natural Environment G2.1-3	Preserve drainage channels, habitat and open space.	Both proposed parcels are currently developed and no additional development is proposed. Therefore the proposed subdivision will not adversely affect existing drainage channels, riparian habitat or open space.
Natural Environment G2.1-5	Regulate clearing and development of steep slopes, river, stream and drainage channels.	Both proposed parcels are currently developed and no additional development is proposed. Therefore the proposed subdivision will not require the clearing and development of steep slopes, river, stream or drainage channels.
Natural Environment G2.1-8	Maintain existing air quality.	Both proposed parcels are currently developed and no additional development is proposed. Therefore the proposed subdivision will not affect existing air quality.
Natural Environment G2.1-9	Minimize loss of life and property from natural and man-made hazards.	The project site is not located within a mapped flood zone, dam inundation zone or Alquist-Priolo Earthquake Fault Hazard zone. There are no known man-made hazards, including contaminated soils, on site or in the area
Soils & Geologic Resources P2.1.1-4	Require geo-technical reports to ensure that slope and stability measures are incorporated into project design.	Again, both proposed parcels are currently developed and no additional development is proposed. In addition, the parcels are virtually flat and there are no issues associated with slope stability.
Aesthetics P2.2.5-2	Encourage street trees and landscaping in new developments.	Both proposed parcels are currently developed and no additional development is proposed.
Water Resources P2.1.2-3	Incorporate on-site drainage facilities such as retention and infiltration systems to reduce run-off and maximize infiltration.	Both proposed parcels are currently developed and no additional development is proposed. Therefore the proposed subdivision will not result in additional stormwater run-off.

Relevant Plan Section(s)	Summary of General Plan Goal, Policy or Standard	Evidence Which Supports the Required Finding
Biological Resources P2.1.7-2	Require setbacks (buffers) from environmentally sensitive habitat areas (ESHA's) such as riparian corridors, forested or wetland areas.	There are no known environmentally sensitive areas onsite. The closest environmentally sensitive area is the eel River and associated riparian area which is approximately 1,200 feet east of the project site.
Public Services P2.2.3-2	Cooperate with the Rio Dell Fire Protection District to ensure that emergency services are adequate.	The Rio Dell Fire Protection District has recommended approval of the proposed subdivision.
Public Services P2.2.3-4	Encourage new development to contribute its fair share of infrastructure improvements to serve the proposed development.	The only required infrastructure improvements are curb, gutter, sidewalks and some minimal paving along the frontage of the parcel.
Public Services P2.2.3-4	Require underground utilities for new development.	This policy has only been applied to new development. Where development is existing on the proposed parcels, utilities have not been required to be placed underground.
Housing A-13	Minimize housing construction in areas subject to hazards, such as flooding or geologic instability.	The project site is not located within a flood zone or an area of geologic instability.
Community Environment G2.2-12	Provide a safe and balanced transportation system for pedestrians, transit riders, bicyclists and vehicles.	The project is conditioned to require curb, gutter, sidewalks and paving along the frontage of the parcel. Public transportation is available and within walking distance of the proposed project. Recommended road improvements will provide for the safe movement of vehicles.
Cultural Resources P2.2.4-1	Coordinate with outside entities regarding land use decisions and impacts to cultural resources.	Because both proposed parcels are developed the project was not referred to the Bear River Band.

Again, based on comments from referral agencies and information submitted by the applicant, the evidence supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.

2. Zoning Consistency:

The project site is in an area zoned Urban Residential (UR). The purpose of the Urban Residential or UR zone is to provide neighborhood residential areas with varying densities for single-family dwellings. The following regulations apply in all Urban Residential or UR zones:

(1) Principal Permitted Uses.

- (a) Detached single-family dwellings.

(2) Uses Permitted with a Use Permit.

- (a) Attached dwellings with a minimum lot size of 4,000 square feet;
- (b) Home occupation businesses, including health services related businesses;
- (c) Rooming and boarding of not more than two persons not employed on the premises;
- (d) Public and private non-commercial recreation facilities;
- (e) Schools, churches, civic and cultural uses including City offices and day care centers.

(3) Development Standards.

Development Standard	Zone Requirement
Minimum Lot Area	6,000 square feet
Maximum Ground Coverage	50%
Minimum Lot Width	60 feet
Minimum Open Space	50%
Minimum Yards	
Front	20 feet
Rear	10 feet
Side	5 feet
Maximum Building Height	35 feet

The proposed subdivision would create two lots of 12,040 and 12,710 square feet. Therefore, the proposed lots meet the minimum lot size of 6,000 square feet. In addition, each lot meets the required minimum lot width of 60 feet. As previously indicated, the applicant will be required to move or relocate the existing storage sheds to meet setback requirements. The project has been conditioned accordingly.

Any additional development must comply with the lot coverage, open space, setback and building height requirements for the Urban Residential zone. Review for compliance will at the time a building permit is applied for.

Based on the proposed subdivision, the proposed project complies with the requirements of the City's Zoning Regulations.

3. Subdivision Regulations Consistency:

The following table identifies the evidence which supports findings that the proposed subdivision is in conformance with all applicable policies and standards of the City's Subdivision Regulations, Title 16 of the Rio Del Municipal Code (RDMC) and the City's Standard Improvement Specifications.

Relevant Section(s)	Summary of Regulation or Standard	Evidence Which Supports the Required Finding
16.05.030	General Plan and Zoning Compliance	See discussion above. Based on evidence submitted by the applicant and comments from referral agencies, staff believes the proposed subdivision is consistent with the City General Plan and Zoning regulations.
16.10.040	Tentative Map Requirements	The Tentative Map requirements identify the required information on the map. The submitted Tentative Map for the proposed subdivision complies with the requirements of Section 16.10.040 of the RDMC.
16.10.050	Accompanying Data and Reports <ul style="list-style-type: none">➤ Soils Report➤ Title Report➤ Environmental Assessment	<p>A Preliminary Soils Report was not required because both of the proposed parcels are already developed with single family residences.</p> <p>The required Title Report was submitted with the application.</p> <p>Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required.</p>

Relevant Section(s)	Summary of Regulation or Standard	Evidence Which Supports the Required Finding
16.25.020	Required Improvements	The project is conditioned on installing curb, gutter, sidewalks and paving along the frontage of the parcel. The improvements must be completed or bonded for prior to the recordation of the Final Map.
Standard Improvement Specifications	➤ Street/Frontage Improvements	Again because the parcels are already developed, no drainage improvements are proposed or required.
	➤ Storm Drainage	Again because the parcels are already developed, no drainage improvements are proposed or required.
	➤ Sewer	Each of the proposed lots will be provided community sewer and water service.
	➤ Water	Utilities, including electric, gas, telephone and cable services are already in place.
	➤ Utilities	The proposed parcels are currently developed, located within an existing neighborhood with existing fire hydrants.
	➤ Fire Hydrants	The proposed parcels are currently developed, located within an existing neighborhood with existing street lights.
	➤ Street Lights	

Based on the proposed improvements and recommended conditions of approval, staff believes the proposed subdivision is consistent with the City Subdivision Ordinance and the City's Standard Improvement Specifications.

4. That the proposed subdivision is physically suitable for the type of development:

Again, both of the proposed parcels are currently developed with single family residences and accessory structures. Accordingly, each lot is suitable for single family residential uses.

5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably fish or wildlife or their habitat.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required.

Attachments:

Attachment 1: Conditions of Approval

Teasley Minor Subdivision

File No. 052-301-012; Case No. PMS 12-01

Conditions of Approval

Approval of the subdivision is conditioned upon the following terms and requirements which must be fulfilled before the Parcel Map may be recorded.

1. **Map Expiration:** The approval of the Tentative Map shall expire 24 months after all appeal periods have lapsed. Approval may be extended in accordance with the Rio Dell Municipal Code and the Subdivision Map Act.
2. **Taxes:** All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable to the satisfaction of the County's Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Final Map to satisfy this condition.
4. **Map Type:** The applicant must cause to be filed a Parcel Map in accordance with the Final Map requirements of Section 16.10.120 et. seq. of the Rio Dell Municipal Code (RDMC). The approved lot line adjustment shall be reflected on the Final Map. A subdivision map checking deposit of \$500.00 shall be paid at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County recorder for filing.
5. **Improvement Plans:** Pursuant to Section 16.25.060 of the Rio Dell Municipal Code (RDMC) the applicant shall submit improvement/construction plans for the required curb, gutter, sidewalk and paving. Improvement plans must be prepared by a Civil Engineer registered by the State of California. Improvement plans shall be on 24" x 36" sheets, unless otherwise approved by the City Engineer.

The Improvement Plans shall be reviewed, signed as approved by Rio Dell Public Works Department. A plan checking deposit of \$500.00 shall be paid at the time the Improvement Plans are submitted for checking.
6. **Unknown Improvements:** Other on-site and/or off-site improvements may be required which cannot be determined from the Tentative Map at this time. These improvements, if any, will be determined after a complete review of the required Improvement Plans.
7. **Easements:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the Parcel Map. Those easements that do not have a metes and bounds description shall be noted on the Final Map and shown as to their approximate location.
8. **Fees:** The applicant shall pay the \$50.00 CEQA Notice of Exemption filing fee (payable to the County of Humboldt) within five (5) days all other associated processing fees within 30 days of billing.

9. Existing Accessory Structures: The existing accessory structures shall be relocated to comply with the required yard setbacks.

RESOLUTION NO. PC 089-2015



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING A ONE (1) YEAR EXTENSION OF THE TEASLEY SUBDIVISION:**

WHEREAS the Planning Commission originally approved the Teasley minor subdivision of a 24,750 square foot parcel into two parcels of about 12,040 and 12,710 square feet on July 25, 2012; and

WHEREAS the approval became effective on August 9, 2012 and was set to expire on August 9, 2014; and

WHEREAS the applicant submitted a request for a one year extension in August of 2014; and

WHEREAS the applicant's agent recently submitted an application for another one year extension; and

WHEREAS if approved the subdivision approval will expire on August 9, 2016; and

WHEREAS the proposed parcels are developed with single family homes and residential accessory structures; and

WHEREAS frontage improvements (curb, gutter and sidewalk) and paving was required along the frontage of the property and the applicant was required to move or relocate existing storage sheds to meet setback requirements; and

WHEREAS Section 16.15.130(2) of the Rio Dell Municipal Code identifies the process for approving extensions, including application submittal, the required Planning Commission action, time limits of extensions, conditions of approval, potential appeals and cost recovery; and

WHEREAS Section 66452.6 of the Map Act and Section 16.15.130(2)(c) of the RDMC limits subdivision extensions to twelve (12) months; and

WHEREAS both local regulations and the Subdivision Map Act allow a total of a three (3) year extension to the original two (2) year approval. The total life of a tentatively approved map is limited to five (5) years; and

WHEREAS in reviewing requests for subdivision extensions, staff considers any changes in the original required findings. The original required findings are identified below:

1. That the subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the subdivision is physically suitable for the type of development; and
5. The subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

WHEREAS there have been no changes to the original required findings. The subdivision is still consistent with the General Plan, Zoning and Subdivision regulations. In addition, the parcels are suitable for their intended use and there is no evidence to suggest that granting the extension will cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

WHEREAS staff has determined that the extension is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

NOW, THEREFORE, BE IT RESOLVED the Planning Commission finds that based on evidence on file and presented in the staff report that the proposed subdivision extension complies with all of the following original required findings:

1. That the subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the subdivision complies with the requirements and standards of

the City's subdivision regulations; and

4. That the subdivision is physically suitable for the type of development; and

5. The subdivision is not likely to cause substantial environmental damage or substantially and avoidably fish or wildlife or their habitat; and

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the subdivision extension subject to the original conditions of approval.

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of August 27, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Nick Angeloff, Chair

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 089-2015 adopted by the Planning Commission of the City of Rio Dell on August 27, 2015.


Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: August 27, 2015

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: August 18, 2015

Subject: Ponmay Variance; 351 First Avenue
File No. 053-151-018; Case No. VAR 01-2015

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed lot line adjustment;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Find that:
 - (a) The location, shape, size, surroundings, topography, or other condition, applicable to the subject property, represent special circumstances, and that strict application of this title would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;
 - (b) The variance is necessary for the enjoyment and preservation of substantial property rights enjoyed by other property owners in the same vicinity and zoning district;
 - (c) The variance is consistent with the General Plan
 - (d) The variance is Categorically Exempt pursuant to Section 15305(a) of the CEQA Guidelines. This exemption applies to variances which do not result in any changes in land use or density.
4. Adopt Resolution No. PC 088-2015 approving the proposed Variance.

Summary

The applicant has made application for Variance to reduce the required 10 foot rear-yard setback and 5 foot side-yard setback to 2 ½ feet. It should be noted that a Building Permit was issued and approved for the 12' x 20' shop by the City's previous Building Inspector in August of 2012 without approval of the required variance.

The applicant has submitted evidence in support of making the required findings. Please see Attachment A.

Required Findings

Section 17.35.020 Variances.

(1) A variance from the strict application of the terms of these regulations, other than regulations directly pertaining to the use of land and buildings which are not existing nonconforming uses, may be granted upon a finding that:

(a) The location, shape, size, surroundings, topography, or other condition, applicable to the subject property, represent special circumstances, and that strict application of this title would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;

(b) The variance is necessary for the enjoyment and preservation of substantial property rights enjoyed by other property owners in the same vicinity and zoning district; and

(c) The variance is consistent with the general plan.

Staff Analysis

1. Special Circumstances

The property is 46 feet wide and 83 feet deep, a total of 3818 square feet. Most parcels in the area are about 5, 000 square feet in size. The parcel is developed with an existing 860 square foot residence, a 288 square foot garage and the 240 square foot subject shop. The size of the parcel and the location of the existing improvements do limit the available area. The applicant sited the shop so as to maintain as much useable yard as possible.

Based on Google Earth's measuring tool, there is approximately 23 feet between the shop and the residence. Please see Figure 1. The applicant has indicated that there is a braided plum tree that would have to be removed in order to meet the required 10 foot rear yard setback.

In regards to the required 5 foot side yard setback, the applicant sited the shop 2.5 feet from the side property line. The shop could have been sited to meet the required 5 foot setback if the shop was placed 2.5 feet from the existing garage or if the shop was reduced to 16 feet in length.

As the applicant points out in his justification (Attachment 1) there are other properties in the area with accessory structures that do not meet the required setbacks, including two adjoining

parcels that do enjoy reduced setback privileges. The referenced shed on the property to the south was built with permits; however the submitted plot plan indicated that the shed would meet the required 10 foot rear yard and 5 foot side yard setback. Apparently, the previous Building Inspector did not enforce the setback requirements. As with the Ponney shop, the fact that the previous Building Inspector did not apparently enforce the setback requirements does not relieve the applicant from complying with the Municipal Code or any other Building Code requirements. In regards to the referenced parcel to the west, a permit was issued for a 12' x 16' shop and it looks like the shop meets the setback requirement, but it appears there may be a kennel attached to the rear of the shop with a fiberglass cover. Notwithstanding the two referenced parcels, there are a number of parcels with non-conforming setbacks throughout the "Avenues" neighborhood.

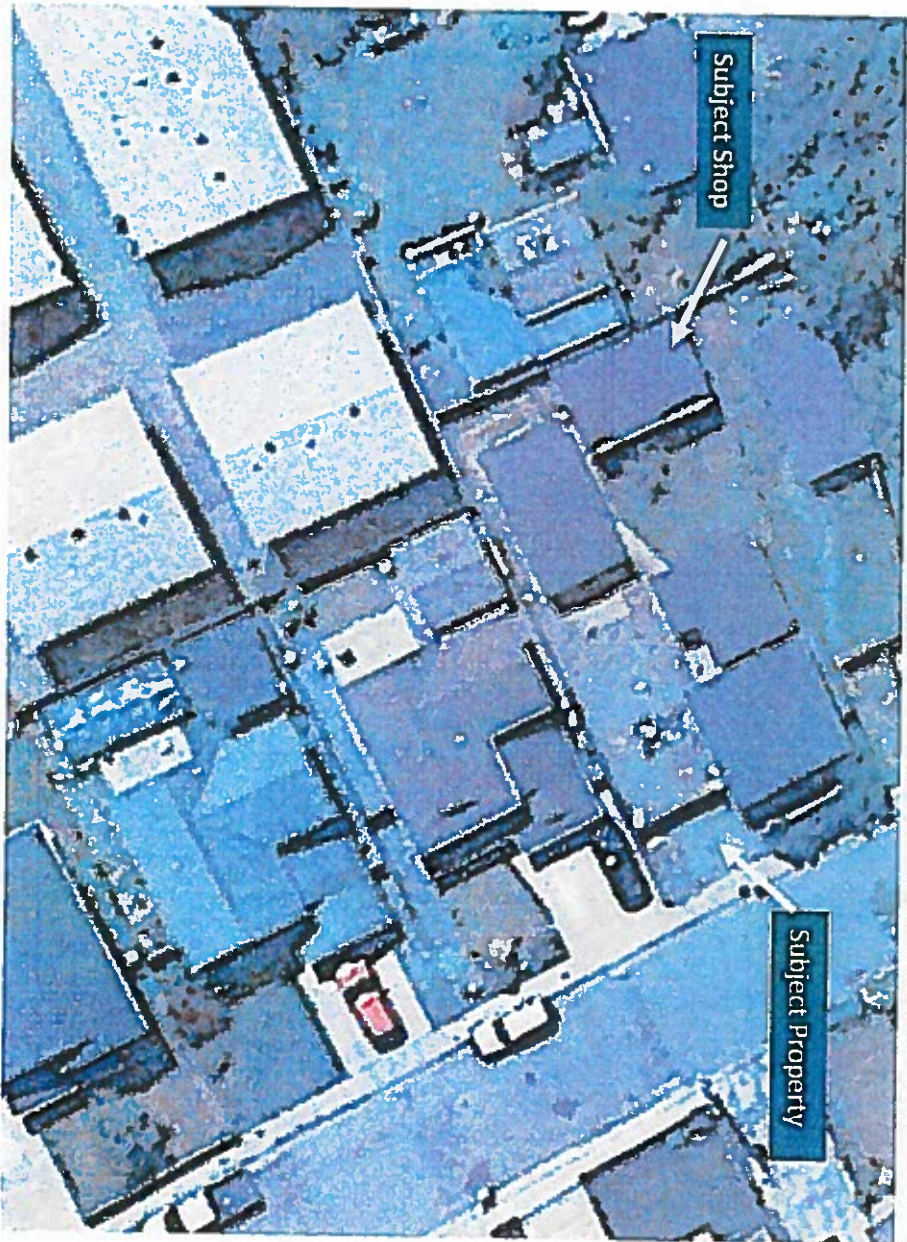


Figure 1

Had a Building Permit not been issued, staff believes there would be no special circumstances that would preclude the shop meeting the required setbacks. However, given the fact that a Building Permit was issued and the setbacks were not enforced by the Building Inspector at the time, staff believes these facts represent special circumstances, and that the strict application of the code would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district.

Based on the above information and the justification submitted by the applicant, staff believes the required finding can be made.

2. Non-Conforming Uses in the Vicinity

As discussed above, there are a number of non-conforming setbacks to structures in the area. As such the granting the requested Variance would not be a granting of a special privilege.

3. General Plan Consistency

The parcel is planned and zoned Urban Residential. Other than the setbacks, the shop complies with the development standards for the Urban Residential designations, lot coverage and building height.

There are no General Plan Policies or Goals which would preclude the granting of the Variance.

The project is subject to the California Residential Code. The walls of structures located closer than three feet to a property are required to be one-hour fire walls. As such, a condition of approval requires that the two walls closer than 3 feet to the property line be constructed as one-hour firewalls (Type 5/8" Sheetrock). In addition, the applicant has provided power to the structure without the required permits. Another condition of approval requires that the applicant apply for and obtain an electrical permit. The project has been conditioned accordingly. Please refer to Exhibit A

4. California Environmental Quality Act (CEQA)

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15305(a) of the CEQA Guidelines this exemption applies to variances which do not result in any changes in land use or density.

Attachments:

Attachment 1: Applicants Plot Plan, Justification & Photos.

Attachment 2: Conditions of Approval.

Attachment 3: Resolution No. PC 088-2015.

NEIGHBORS SHED

1' 1'

8' 2"

NEIGHBORS SHED

2' 5' 1'

2' 5' 1'

5' 1'

12' 1'

288 S&FT

GARAGE

24' 1'

CEMENT PAD

10' 1'

Gravel Parking

FENCE WITH GATES

Gravel Parking

2' 5' 1'

12' 1'

NEW SHED

240 S&FT

Grass

Plum Tree

Grass

CEMENT WALKWAY

CEMENT PORCH

8' 1'

860 S&FT

MAIN HOUSE

7' 1'

351 FIRST AVE

20' 1'

WOOD PORCH

10' 1'

Side Walk

46' 1'

ANTHONY DUNNAY

351 1ST AVENUE RTN NFI, GEC, N

6-10-15

W N

ATTACHMENT 1

Variance 351 first ave Rio Dell

#1 What practical difficulties or unnecessary hardships, inconsistent with the objectives of the Zoning Ordinance, would result of the variance were not granted.

Answer = If I am not granted the variance of the storage shed, I would have to tear it down. This is because of many factors, the major one being the fact that if it was moved to accommodate the proper setbacks I would no longer have a back yard area. This would decrease the value of my home significantly. This ultimately would result in less property tax revenue that the city would receive. Also moving the shed would be a financial burden due to the cost of hiring a contractor that specializes in structure relocation. There is also a very special plumb tree with a braided trunk that would have to be removed to accommodate the setbacks.

#2 What exceptional or extraordinary circumstances or conditions apply to your property but do not apply generally to other properties in the same zone?

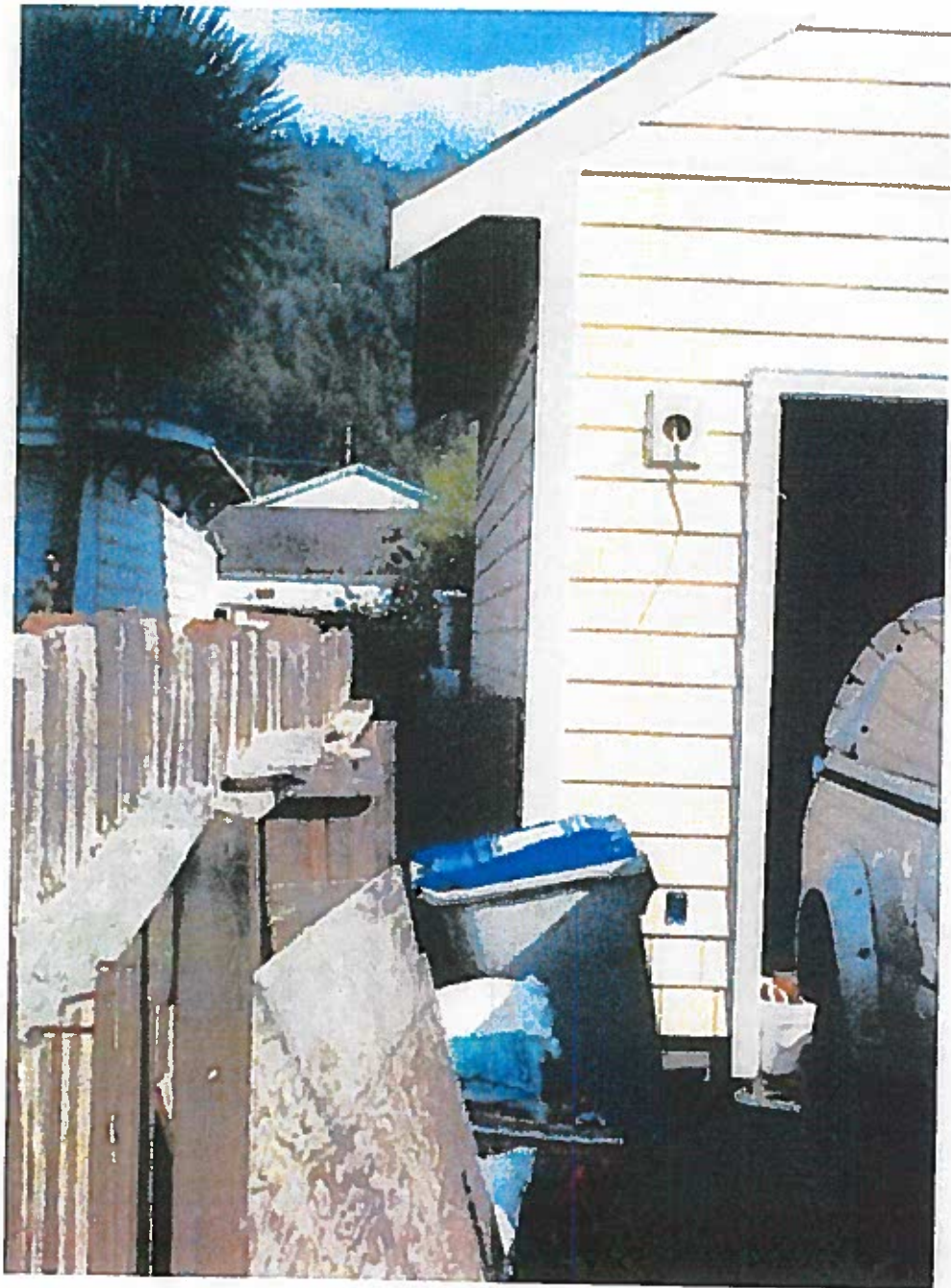
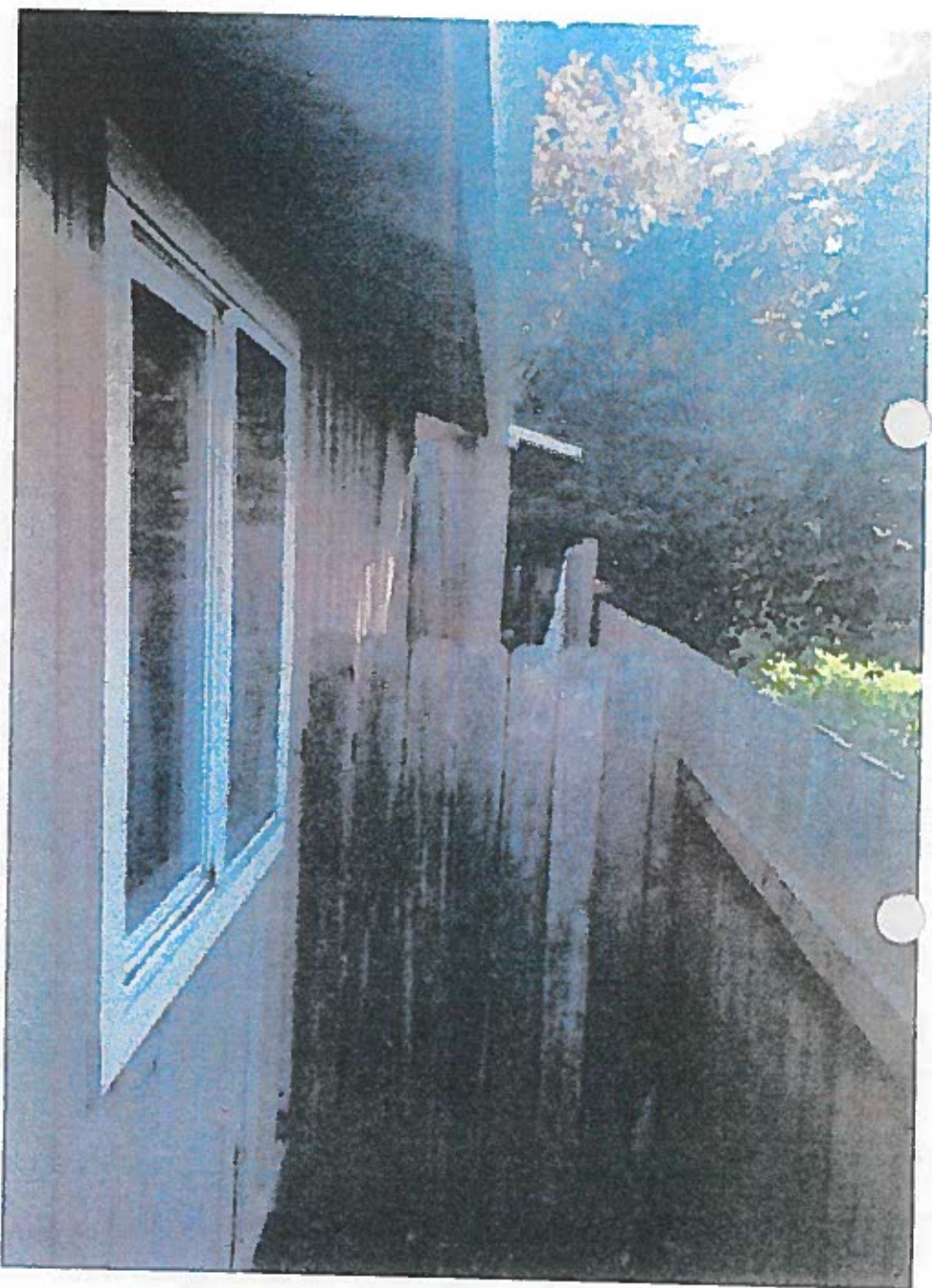
Answer= Due to the small size of my house the shed was built to offer additional storage for my tenants.

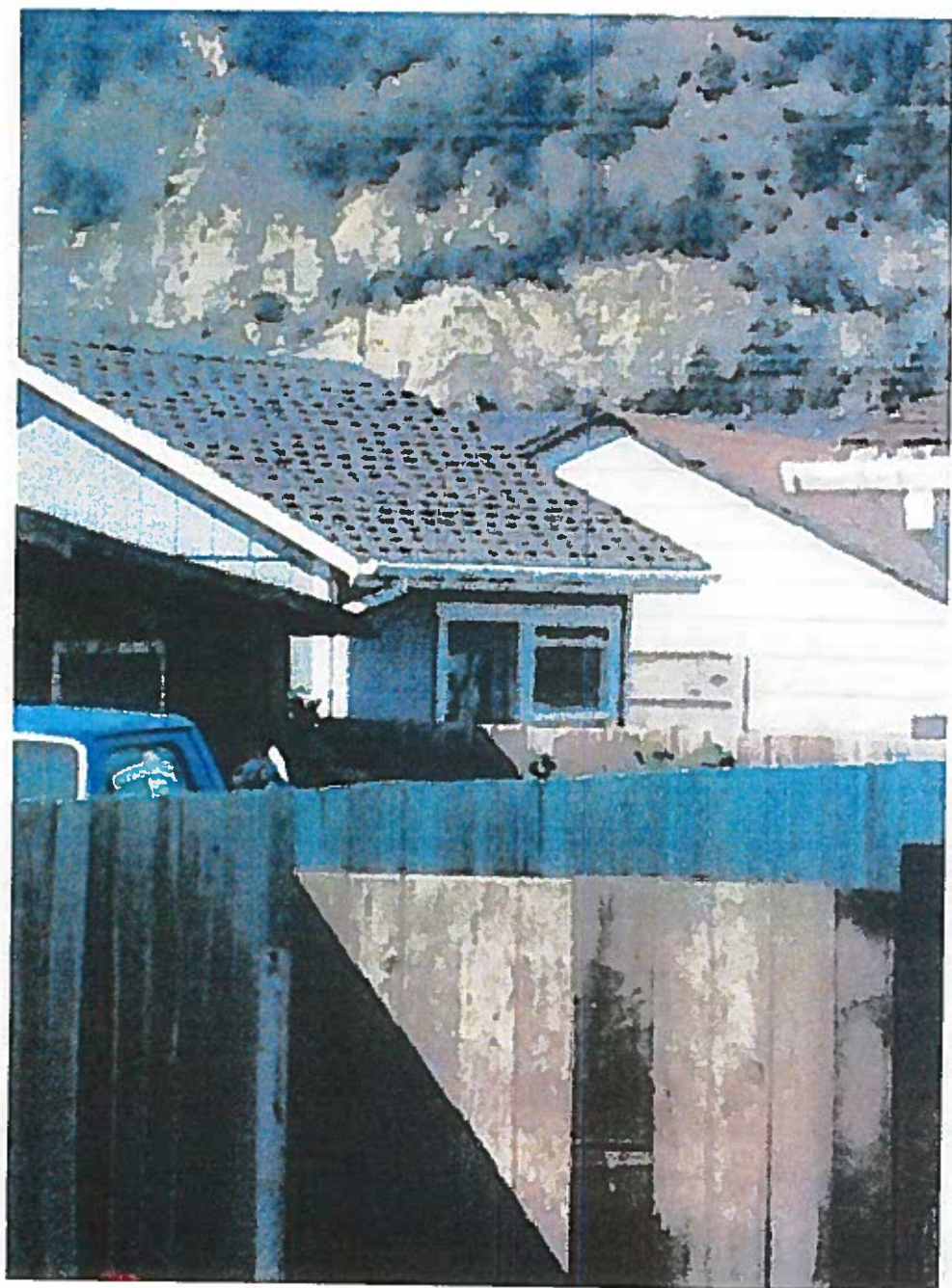
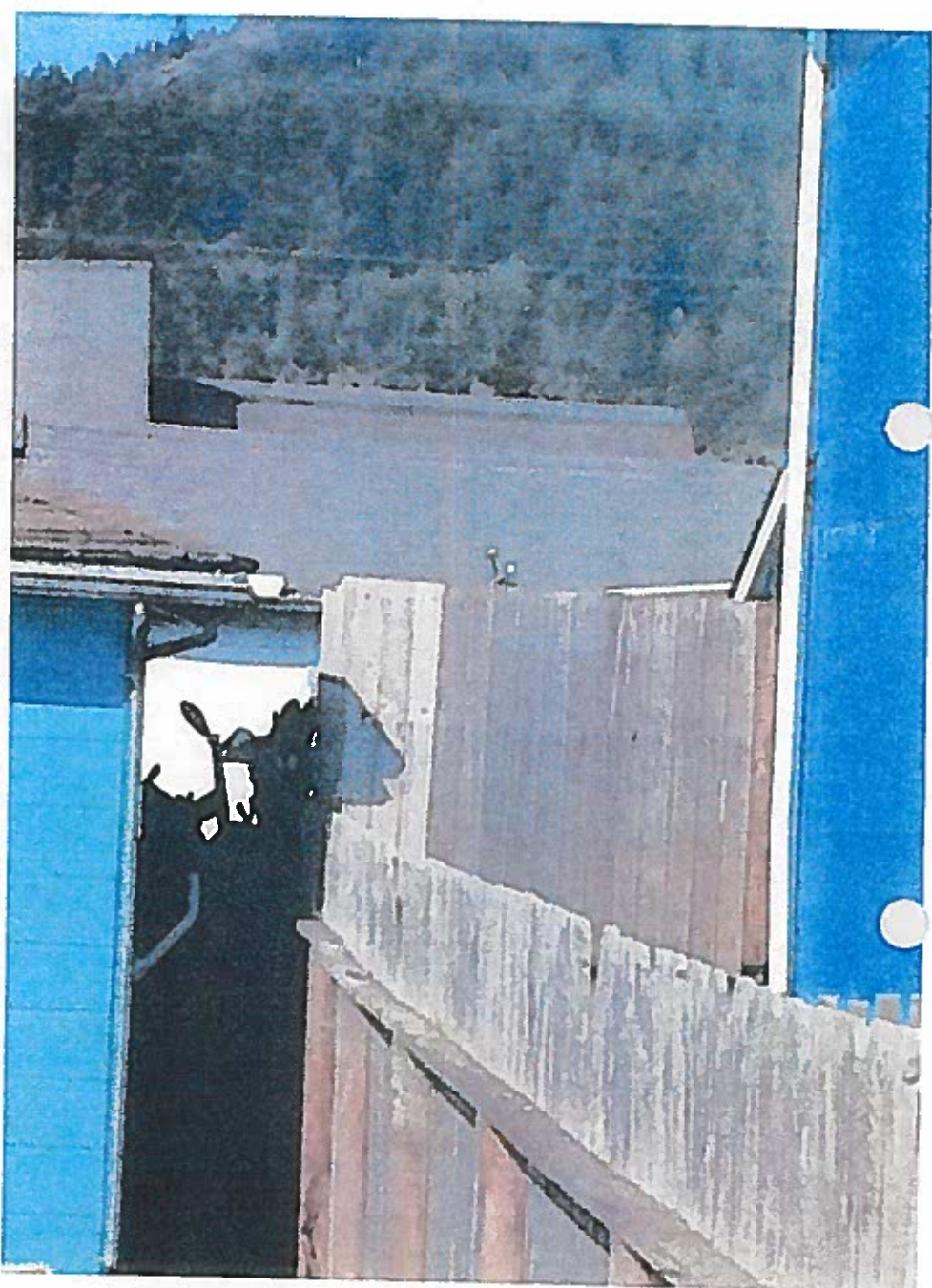
#3 To what extent would the strict or literal interpretation and enforcement of the specified regulation deprive you of privileges enjoyed by the owners of other properties in the same vicinity and zone?

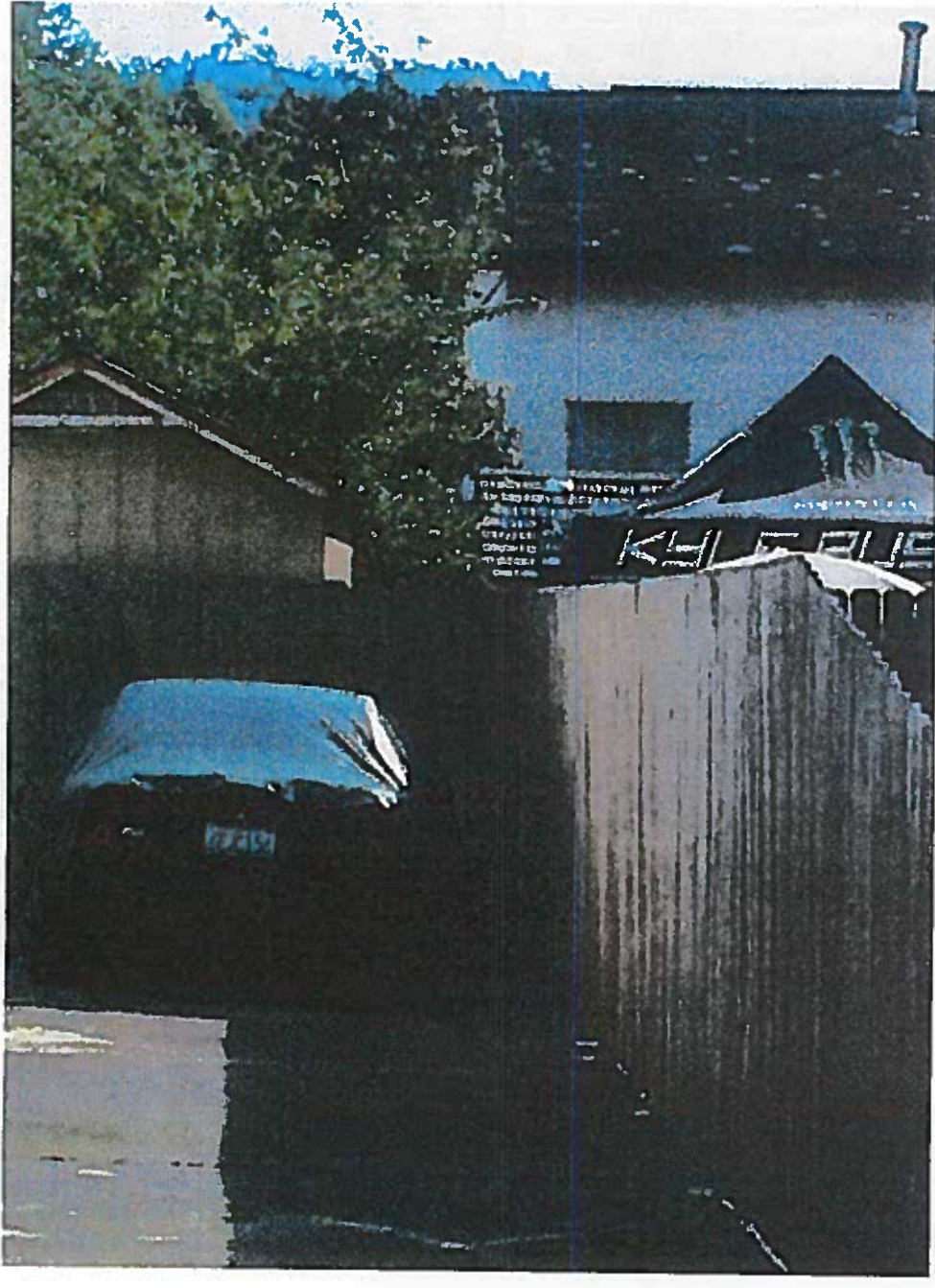
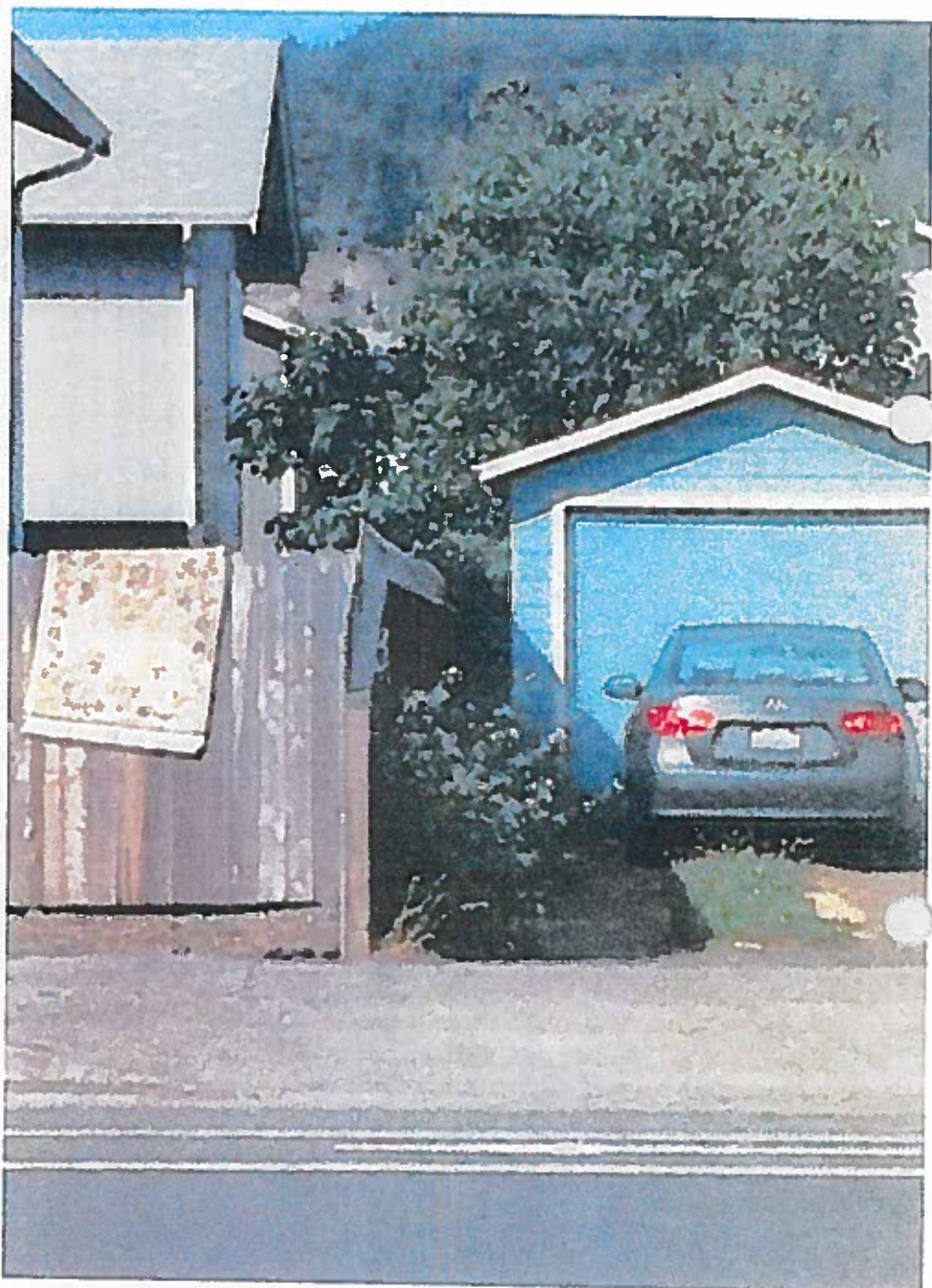
Answer= Two of the three neighboring lots also have sheds that have less of a setback than my permitted shed. The property that borders me to the south has a shed that is only one foot from the fence. And the property that borders to the west has a shed and green house that is also only built one foot away from the fence. Whereas mine is two and a half feet from said fence. Also in the same block that my house sits and the adjacent block I have noticed almost a dozen sheds and small garages that also don't have the proper setbacks. I have printed some pictures for reference.

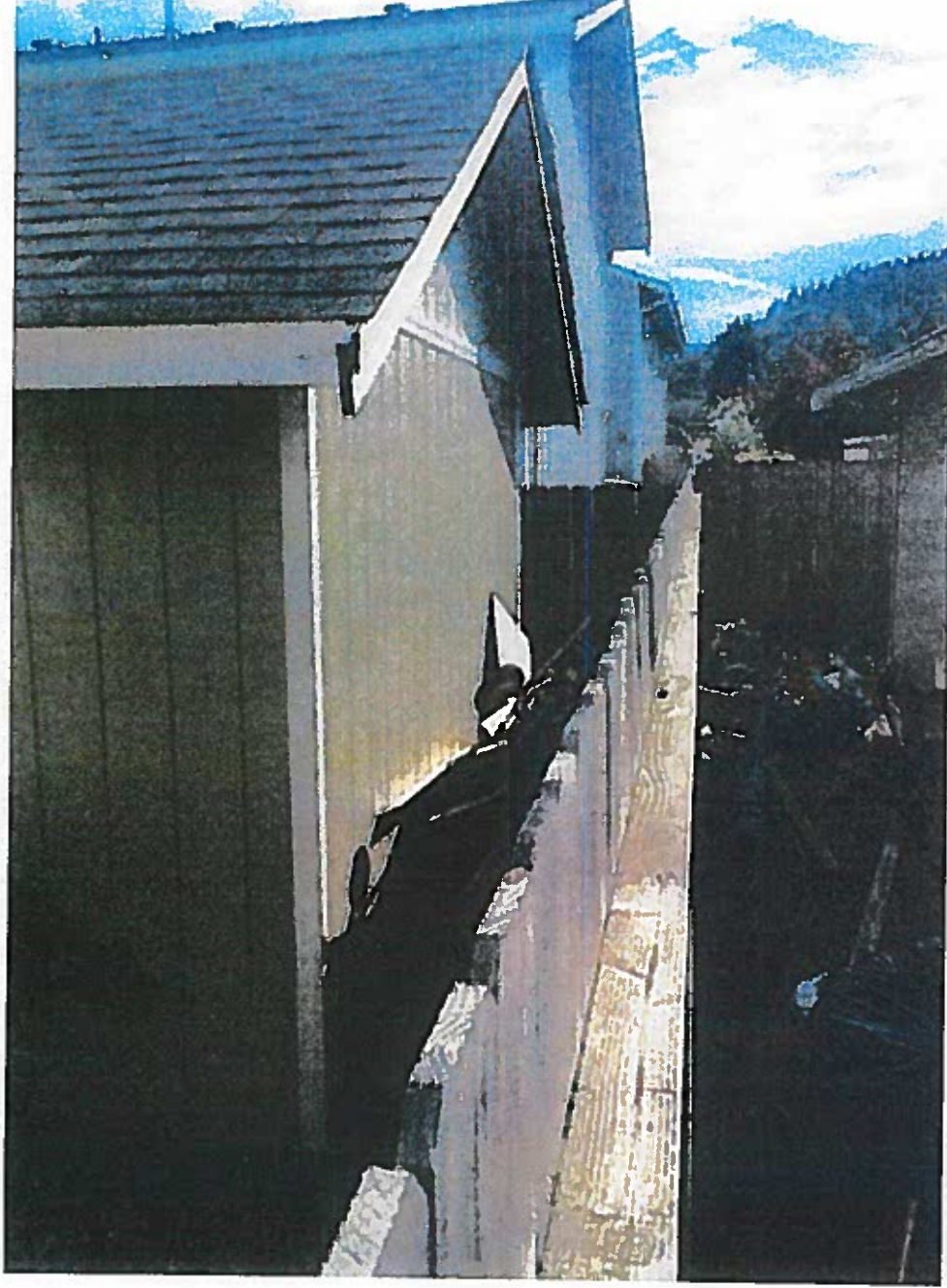
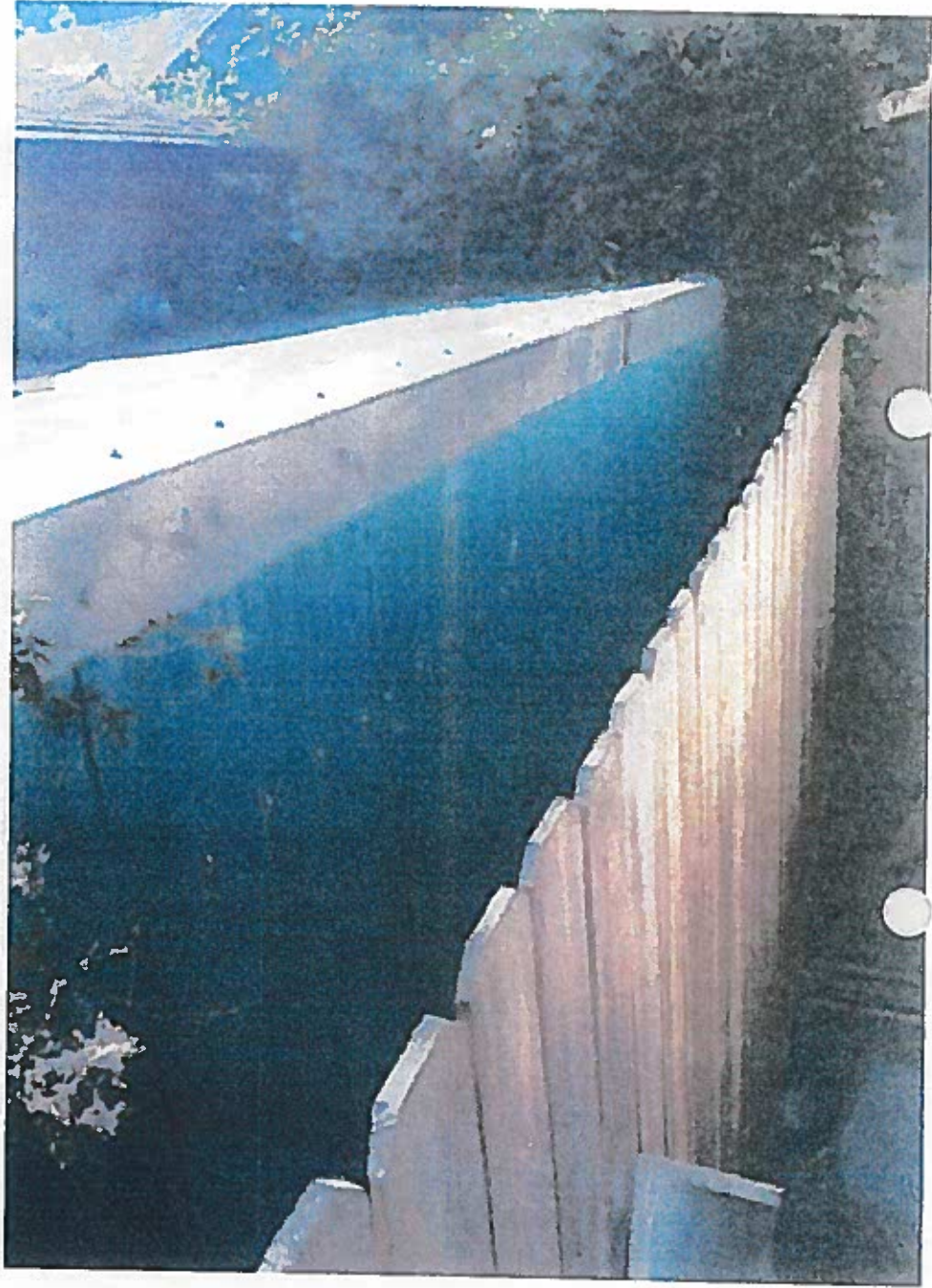
#4 To what extent would the granting of this adjustment be detrimental to the public health, safety or welfare, or materially injuries to properties or improvements in the vicinity?

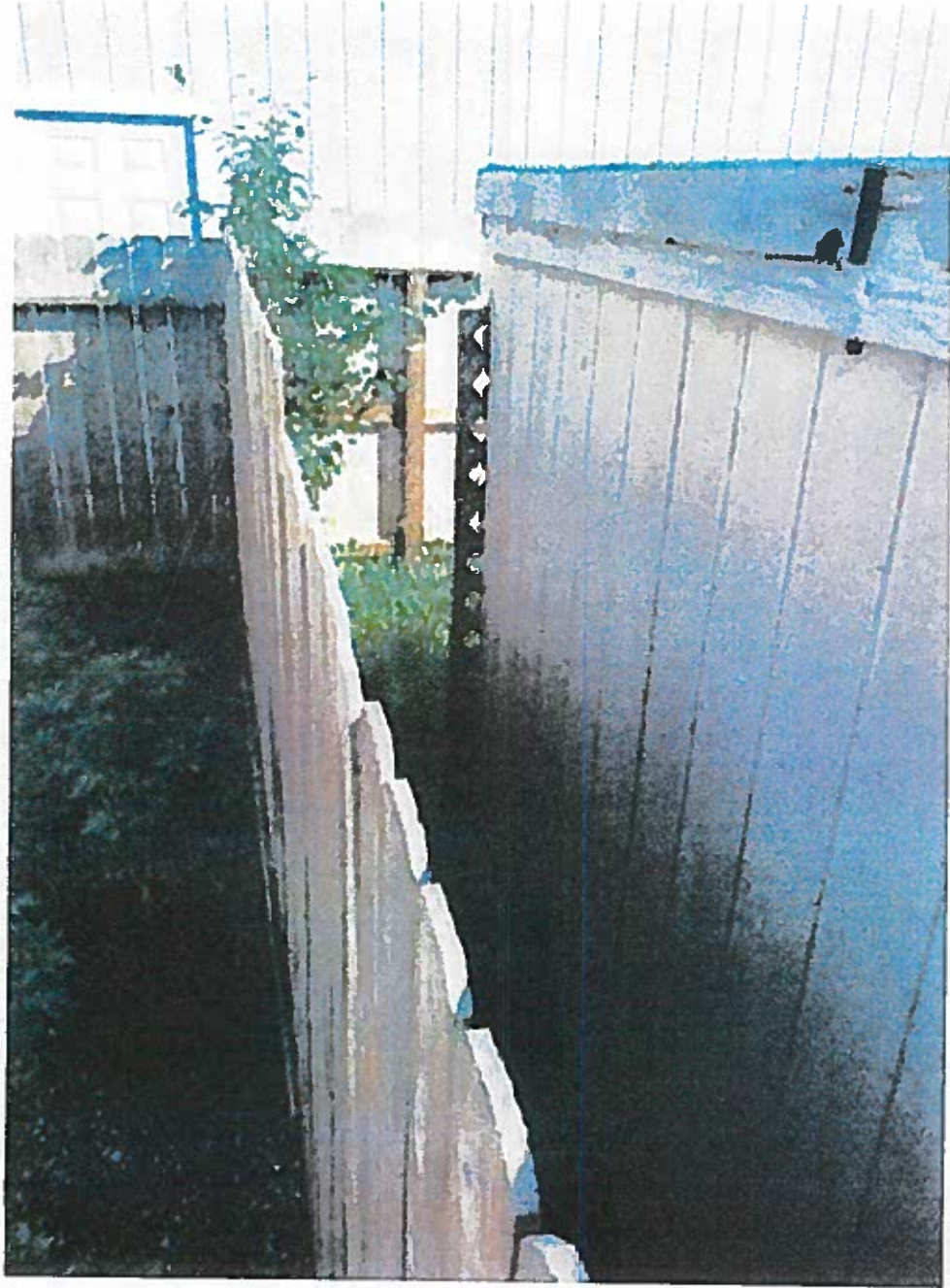
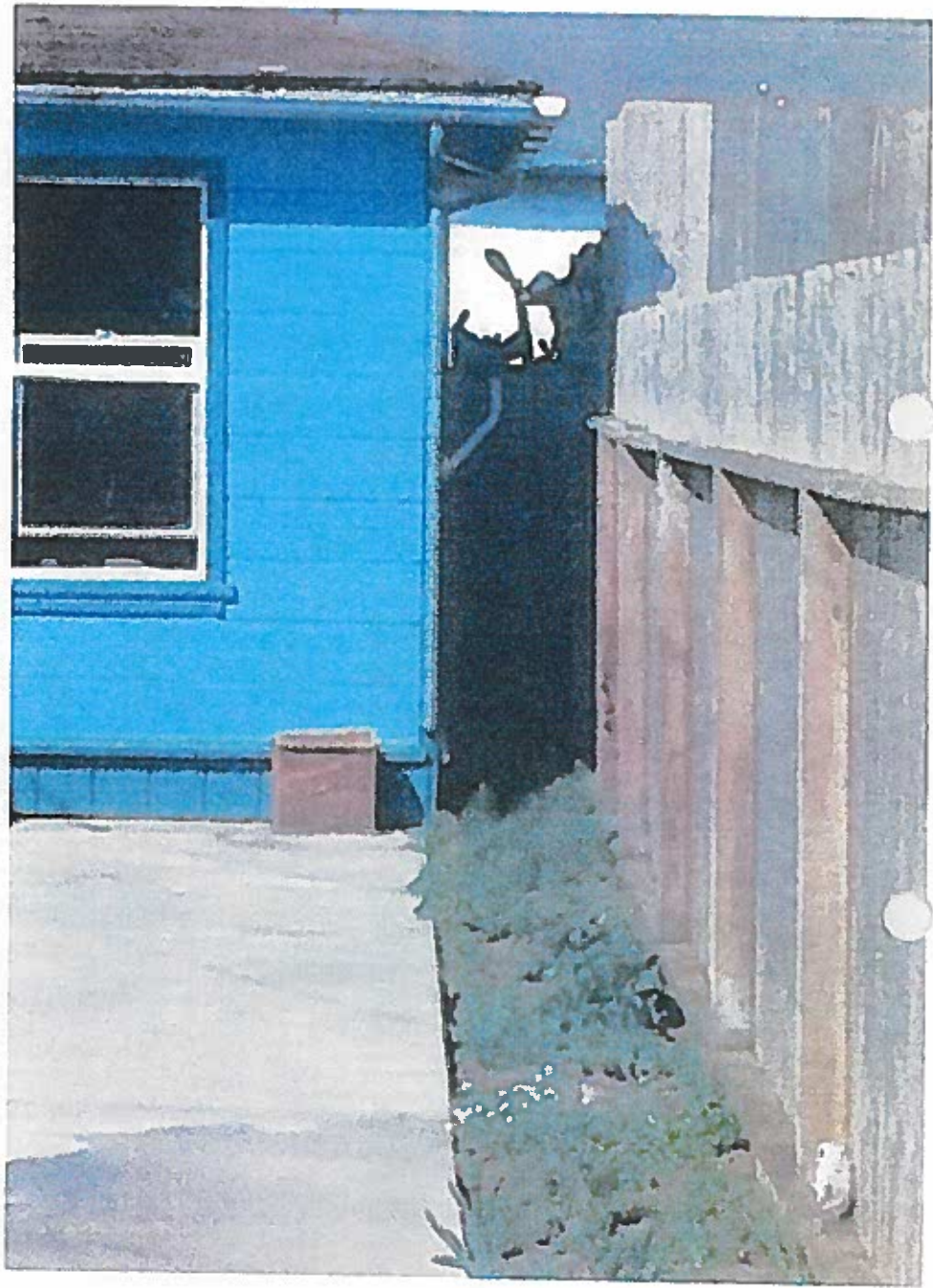
Answer= If granted this variance there would be no apparent public health, safety or welfare, or materially injuries to properties in the vicinity.

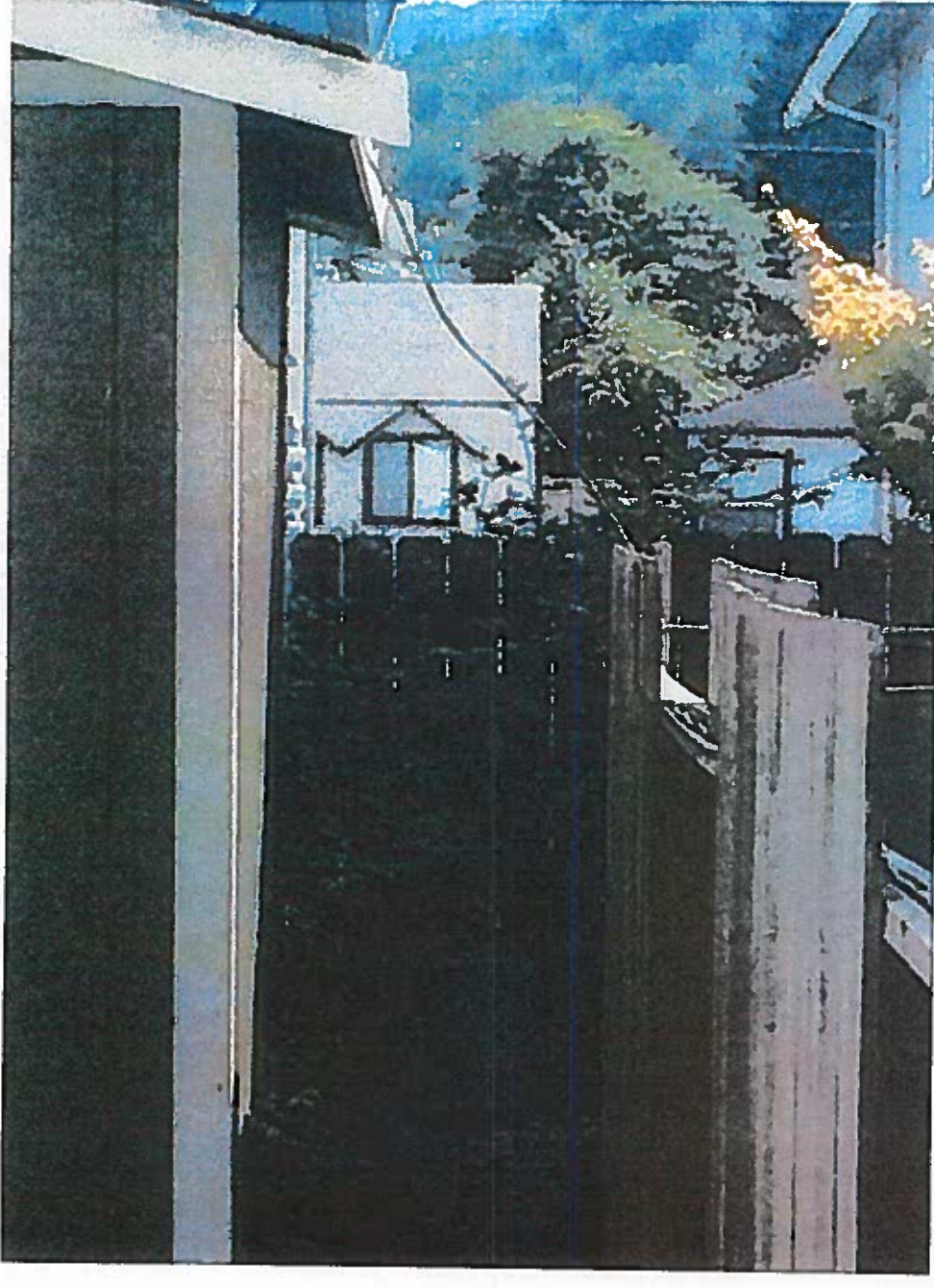
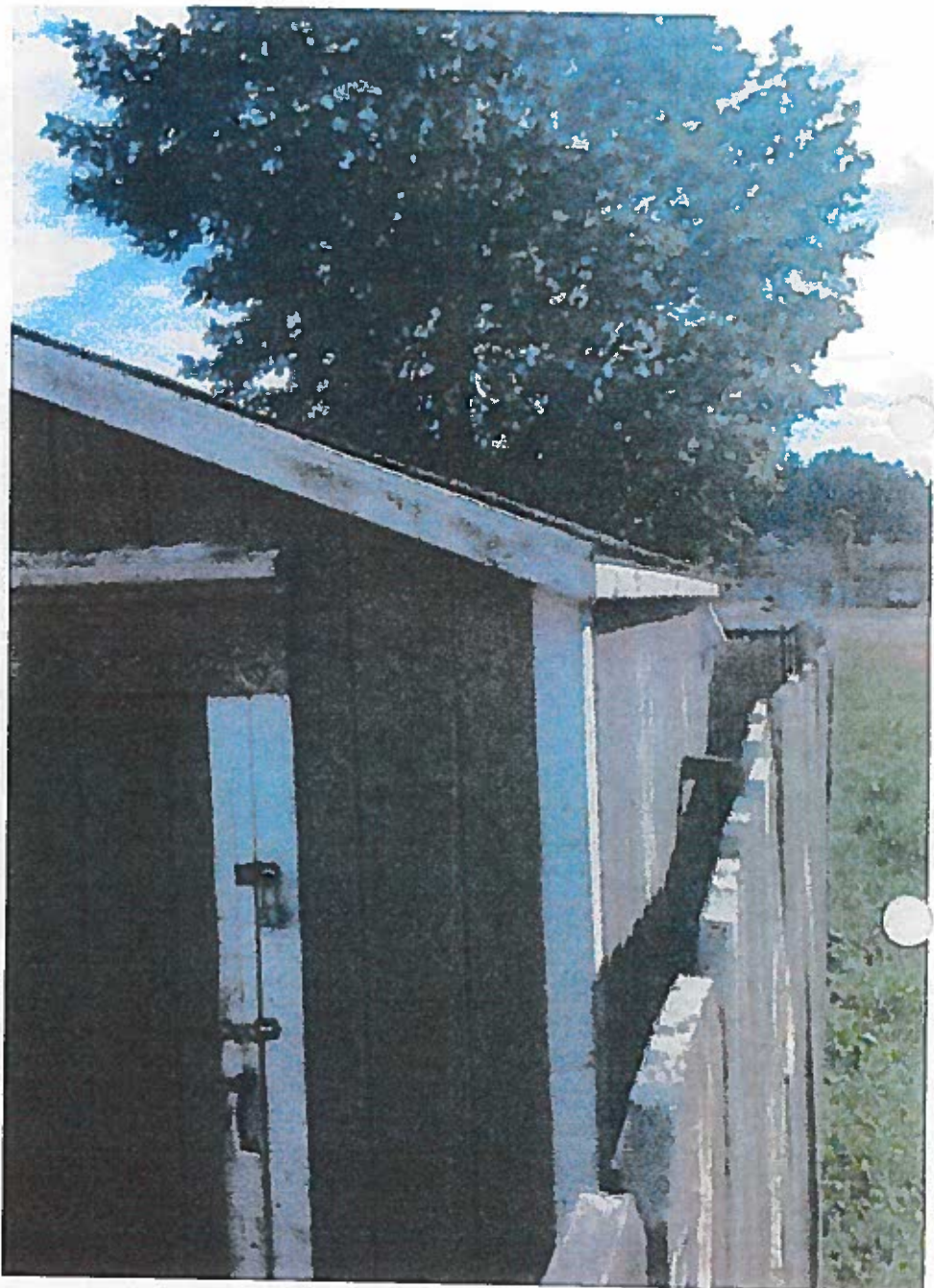




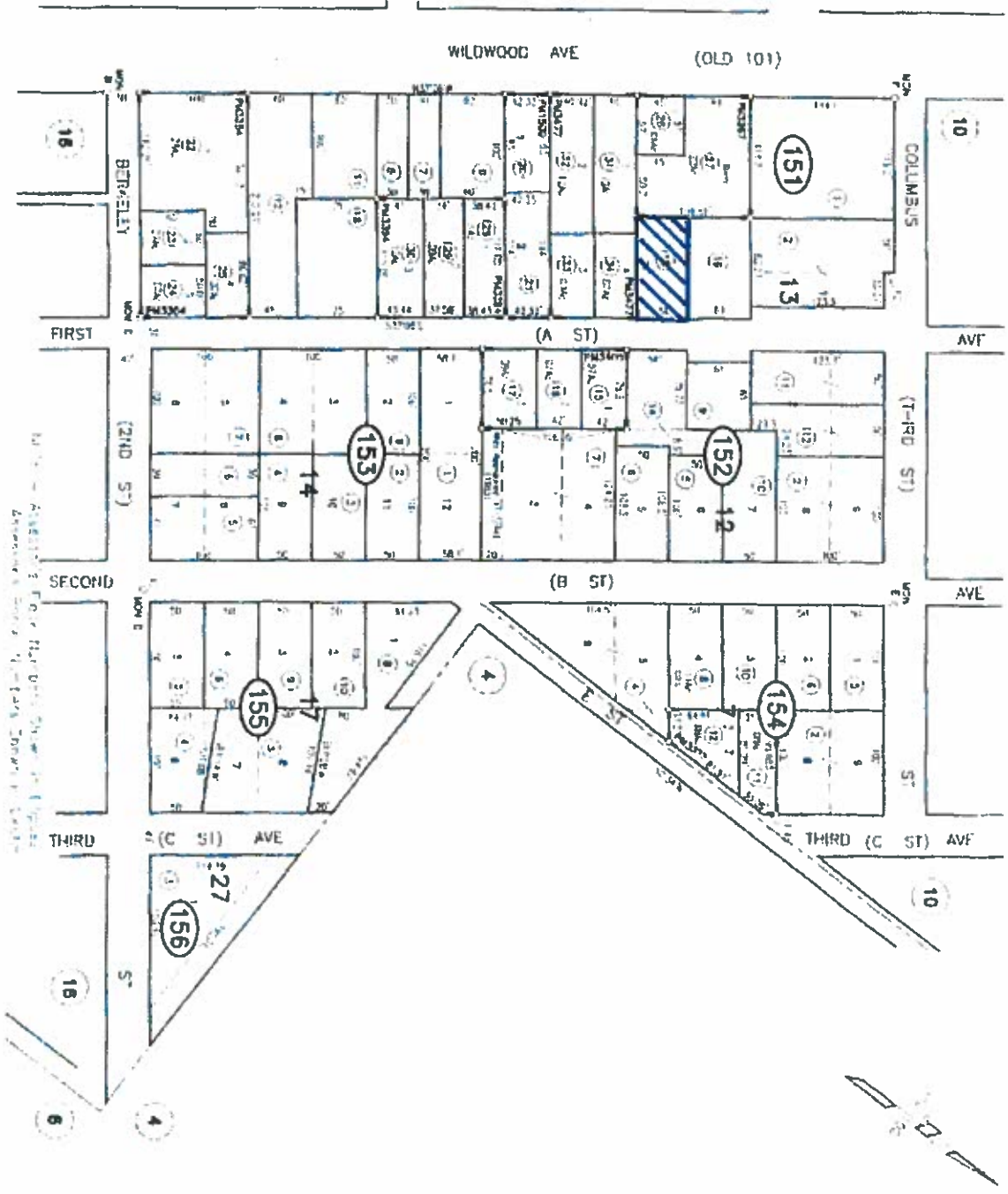








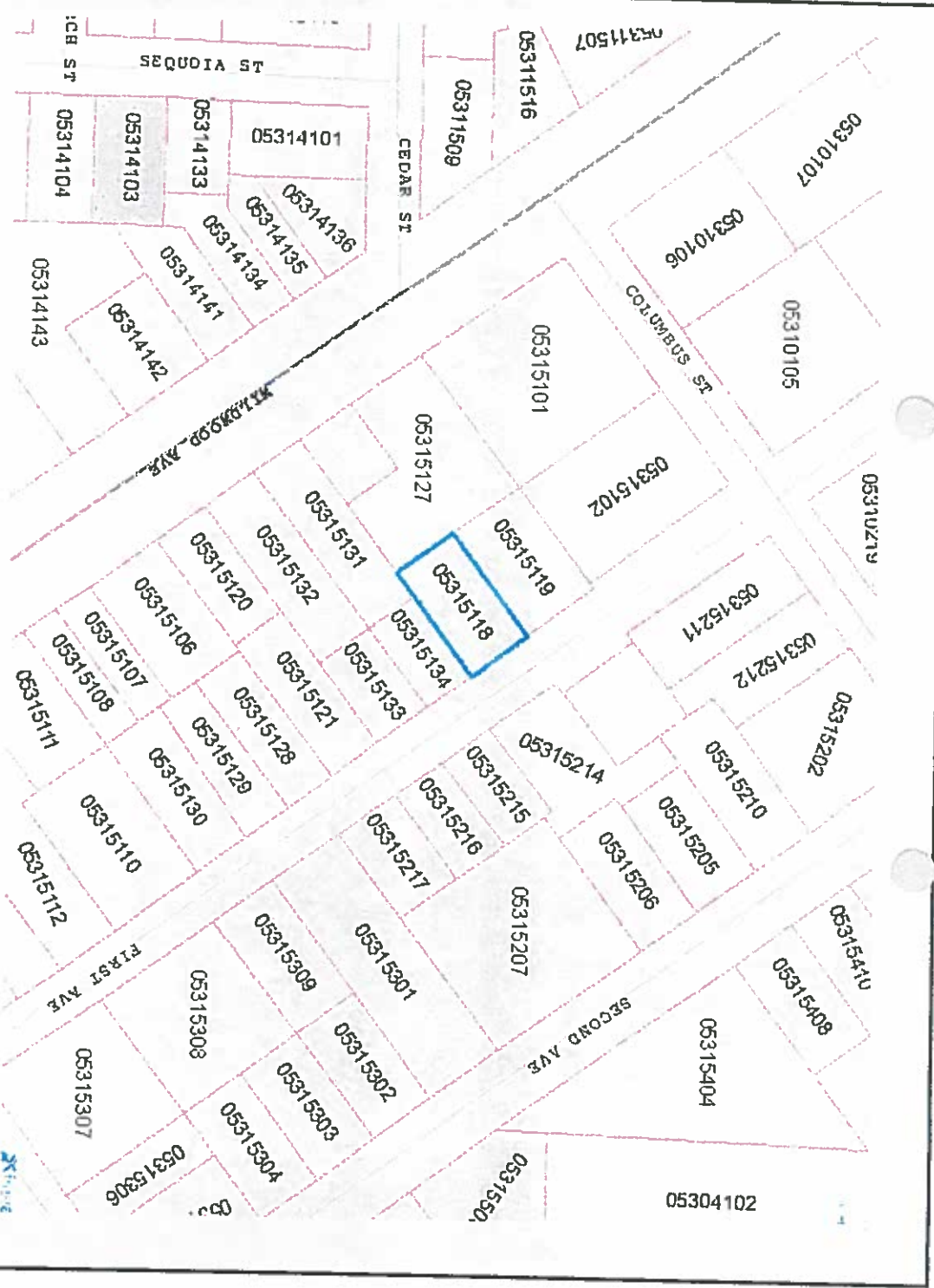




Ponny Variance

Case No. Var. 01-2015

Applicant: <u>Anthony Ponnay</u>	Agent: _____
Address: <u>2505 Linda Lane</u>	Address: _____
City/State/Zip: <u>Eureka, CA. 95501</u>	City/State/Zip: _____
Telephone: <u>(707) 599-4424</u>	Telephone: _____
Email: <u>anthonyponnay@gmail.com</u>	Email: _____
Assessor Parcel Number(s): <u>053-151-018</u>	General Plan/Zoning Designation: <u>Urban Residential</u>
Project Description: An application for a Variance to reduce the rear yard setback from 10 feet to 2.5 feet and a side yard setback from 5 feet to 2.5 feet.	
Project Location: The project site is located at 351 First Avenue.	



Ponnay Variance
Case No. Var. 01-2015

Applicant:	Anthony Ponnay	Agent:	
Address:	2505 Linda Lane	Address:	
City/State/Zip:	Eureka, CA. 95501	City/State/Zip:	
Telephone:	(707) 599-4424	Telephone:	
Email:	anthonyponnay@gmail.com	Email:	
Assessor Parcel Number(s):	053-151-018	General Plan/Zoning Designation:	Urban Residential
Project Description: An application for a Variance to reduce the rear yard setback from 10 feet to 2.5 feet and a side yard setback from 5 feet to 2.5 feet.			
Project Location: The project site is located at 351 First Avenue.			

Conditions of Approval

Approval of the Variance is conditioned upon the following terms and requirements:

- 1. The applicant shall apply for and obtain a Building Permit for the installation of a one-hour firewall on the two walls closer than 3 feet to the property line within 30 days of the approval of the Variance; and
- 2. The applicant shall apply for and obtain an Electrical Building Permit within 30 days of the approval of the Variance; and
- 3. The applicant shall complete Conditions 1 and 2, including the Final approval of the installation and permits within 60 days of the approval of the Variance.

Information Note: If the above conditions are not satisfied as required above, the City will record a Notice of Violation on the parcel.

RESOLUTION NO. PC 088-2015



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING THE PONNAY VARIANCE.**

WHEREAS Anthony Ponnay has submitted an application for a Variance to reduce the required 10 foot rear-yard setback and 5 foot side-yard setback to 2 ½ feet; and

WHEREAS a Building Permit was issued and approved for the 12' x 20' shop by the City's previous Building Inspector in August of 2012 without approval of the required variance; and

WHEREAS the applicant has submitted evidence in support of making the required findings and

WHEREAS the City has reviewed the submitted application and evidence and has referred the project to various agencies for review, comments and recommendations; and

WHEREAS the reviewing agencies have recommended approval or conditional approval; and

WHEREAS staff has determined that the project is Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

NOW, THEREFORE, BE IT RESOLVED the Planning Commission finds that based on evidence on file and presented in the staff report that the proposed variance complies with all of the following required findings:

- (1) The location, shape, size, surroundings, topography, or other condition, applicable to the subject property, represent special circumstances, and that strict application of this title would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;
- (2) The variance is necessary for the enjoyment and preservation of substantial property rights enjoyed by other property owners in the same vicinity and zoning district;
- (3) The variance is consistent with the General Plan
- (4) That the project is Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the variance subject to the Conditions in Exhibit A.

I HEREBY CERTIFY that the foregoing Resolution was **PASSED** and **ADOPTED** at a regular meeting of the Planning Commission of the City of Rio Dell on August 27, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 086-2015 adopted by the Planning Commission of the City of Rio Dell on August 27, 2015.

Karen Dunham, City Clerk, City of Rio Dell

EXHIBIT A

Conditions of Approval

Approval of the Variance is conditioned upon the following terms and requirements:

1. The applicant shall apply for and obtain a Building Permit for the installation of a one-hour firewall on the two walls closer than 3 feet to the property line within 30 days of the approval of the Variance; and
2. The applicant shall apply for and obtain an Electrical Building Permit within 30 days of the approval of the Variance; and
3. The applicant shall complete Conditions 1 and 2, including the Final approval of the installation and permits within 60 days of the approval of the Variance.

Information Note: If the above conditions are not satisfied as required above, the City will record a Notice of Violation on the parcel.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: August 27, 2015

To: Planning Commission

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: August 18, 2015

Subject: An application for a Lot Line Adjustment between two parcels developed with an existing single family residence (APN 052-051-007) and a duplex (APN 052-051-008). The lot line adjustment will adjust approximately 3,600 square feet from APN 052-071-008 to APN 052-071-007. Case No. LLA 15-01

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed lot line adjustment;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Find that the proposed lot line adjustment is consistent with the Rio Dell General Plan, Zoning and Building regulations and is Categorically Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations
4. Adopt Resolution No. PC 091-2015 approving the proposed lot line adjustment.

Summary

Baird Engineering submitted an application for a lot line adjustment between 2 parcels of about 75,800 square feet and about 11,180 square feet for Ruth Nally. The proposed lot line adjustment will adjust about 3,600 square feet from APN 052-071-008 to APN 052-071-007, resulting in two parcels of about 79,500 square feet and 7,500 square feet.

During the review of the creation documents, current deed(s) and the Preliminary Title Report (PTR), staff has determined that the two Assessor Parcel Numbers (APN's) actually consist of three separate parcels. See Figure 1 below.

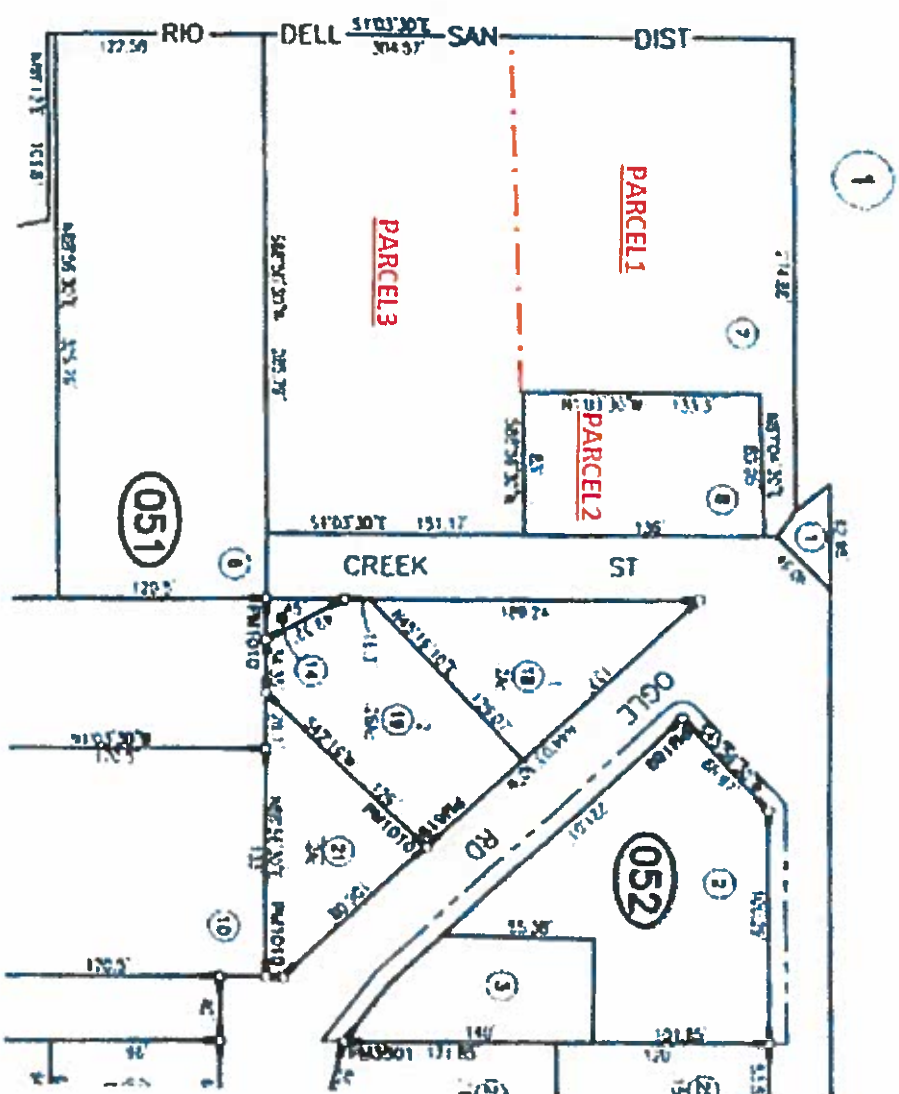


FIGURE 1

Parcels 1 and 2 were created as one parcel in 1947. Parcel 3 was also created in 1947. Then in 1962 Parcel 2 was created (subdivided from Parcel 1). Staff contacted the owner and informed her of the additional parcel. After meeting with the owner, she has decided to eliminate Parcel 3 from the lot line adjustment. As such, only Parcels 1 and 2 are involved in the lot line adjustment. The lot line adjustment will result in Parcel 1 being approximately 37,000 square feet in size and Parcel 2 being approximately 7,500 square feet in size.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

The applicant has submitted evidence in support of making the required findings. Lot line adjustments *shall* be approved if the required findings can be made. Therefore staff recommends that the Planning Commission approve the project as conditioned.

Required Findings

Section 16.35.030 Rio Dell Municipal Code (RDMC).

A lot line adjustment shall be approved or conditionally approved when there is compliance with all of the following approval criteria:

- (1) The application is found to be complete; and
- (2) Either (a) the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations, or (b) a Conditional Certificate of Subdivision Compliance for the parcel or parcels has been issued for recordation prior to or concurrent with the lot line adjustment; and
- (3) The proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances. Providing compliance with this subsection, the approval shall not be conditioned on correction or preexisting non-conformities with the General Plan, Zoning and Building ordinances.

Staff Analysis

1. Complete Application

The applicant has submitted the required application materials including the map/plot plan illustrating the proposed lot line adjustment, copies of the current deeds, creation documents and copies of a Preliminary Title Report (PTR) for each of the parcels.

2. Subdivision Map Act Compliance

Both parcels were created in compliance with State and local regulations. Again as shown in Figure 1, both parcels were created in March of 1962. The deed was recorded in Book 679, Page 358 of Official Records in the Office of the Humboldt County Recorder. A copy of the deed is included as Attachment 2.

3. General Plan, Zoning and Building Ordinance Consistency

The parcels are planned and zoned Urban Residential (UR). The purpose of the Urban Residential zone is to provide neighborhood residential areas with varying densities for single family dwellings. A copy of the Urban Residential development standards is included as Attachment 2. The Urban Residential designation requires a minimum parcel size of 6,000 square feet. The resulting parcels will be about 37,000 square feet and 7,500 square feet respectively, meeting the minimum parcel size requirement.

The proposed lot line adjustment does not result in any nonconformity in regards to setbacks or lot coverage.

Pursuant to the Parking requirements of the Rio Dell Municipal Code, Section 17.30.180 et. seq. the applicant is required to provide 3 improved parking spaces for each unit of the duplex. There are 3 existing spaces provided. However, 2 of the spaces are located on the other parcel. The applicant's agent has proposed a 20 foot access and parking easement across APN 052-051-07. See Figure 2. Staff has conditioned the project to require 3 more additional improved (i.e. gravel, concrete or asphalt) parking spaces and to establish the proposed 20 foot access and parking easement.

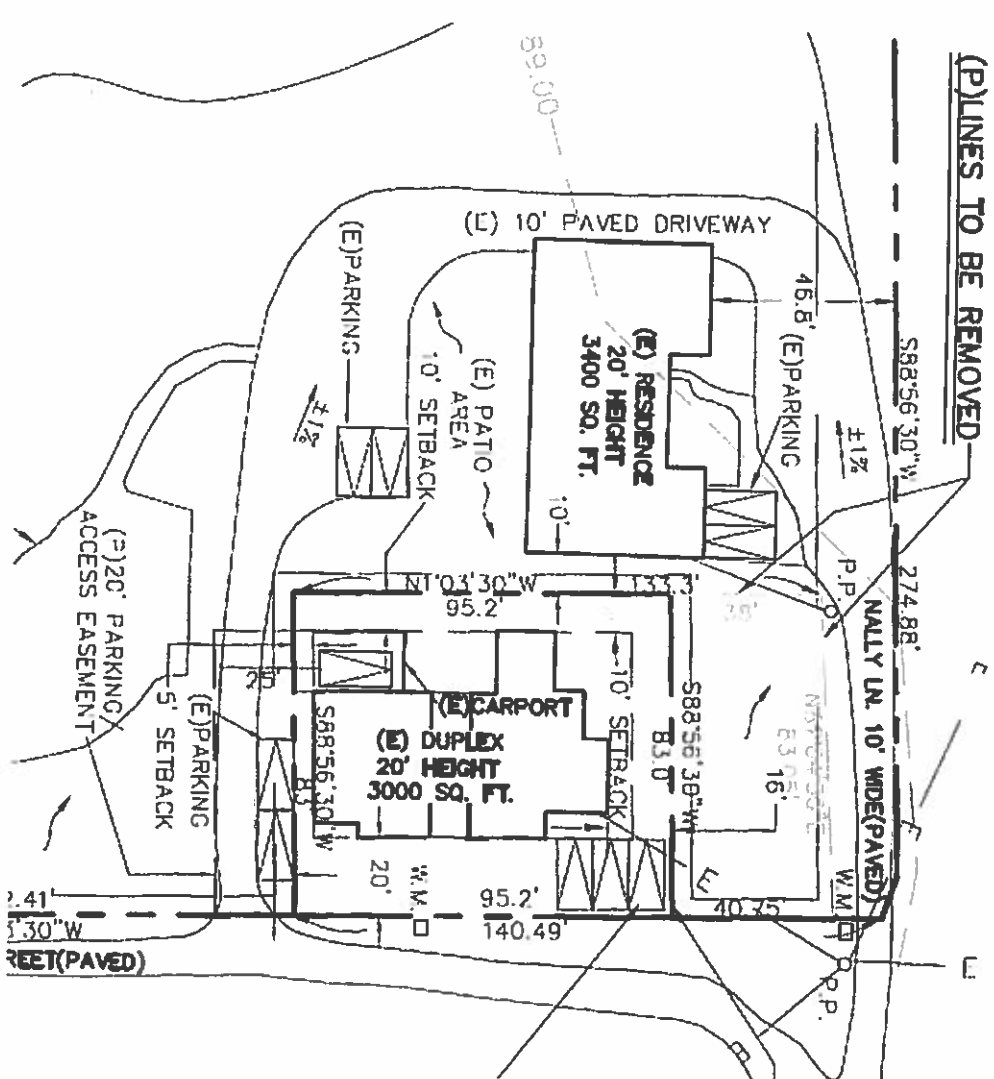


Figure 2

Overhead electrical service is provided to the duplex on APN 052-051-008 across the area to be adjusted to APN 052-051-007. Refer to Figure 2. Staff has conditioned the project to require a 10 foot wide utility easement centered under the overhead utility line over that portion to be adjusted to APN 052-051-007.

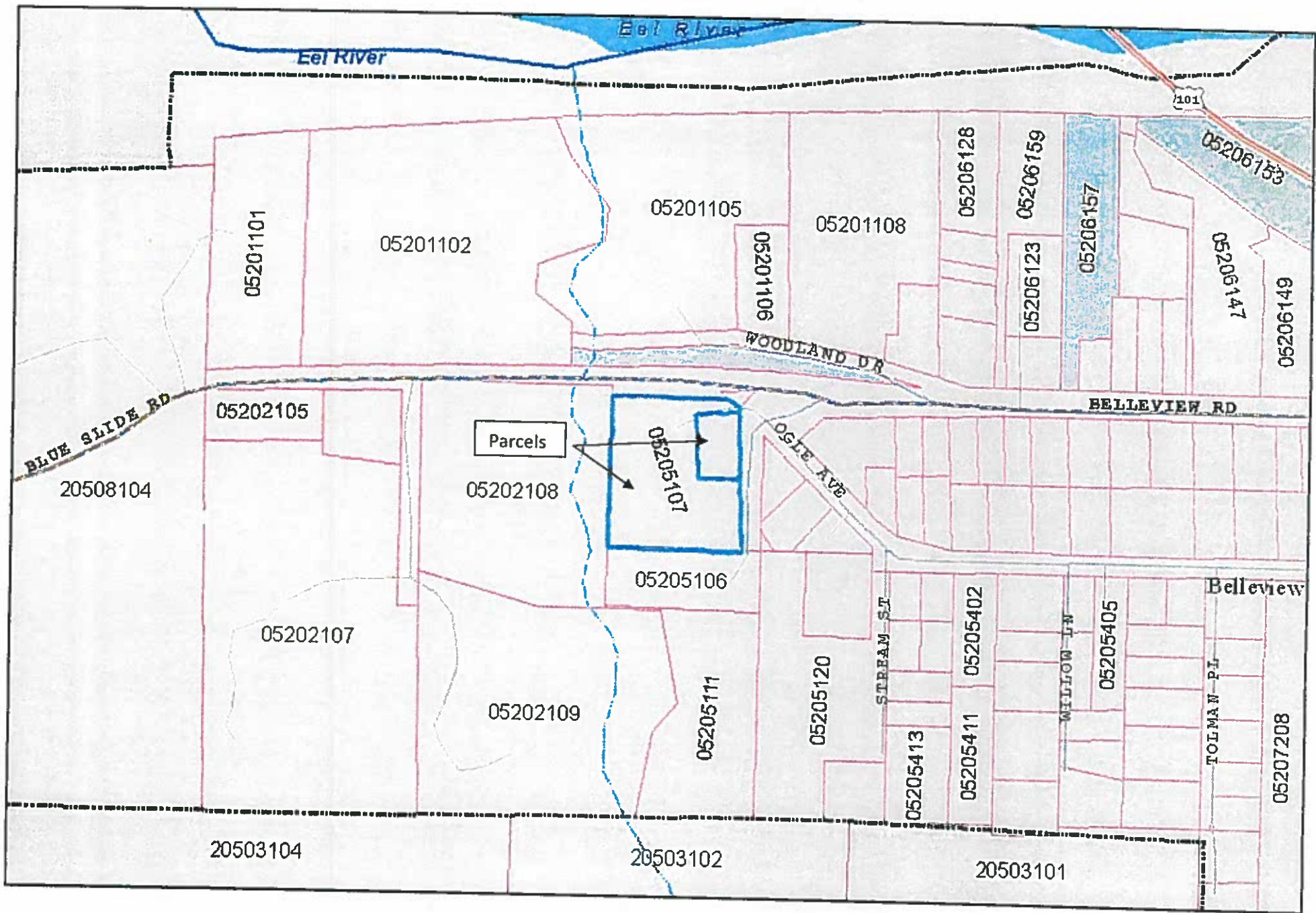
Based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations.

4. California Environmental Quality Act (CEQA)

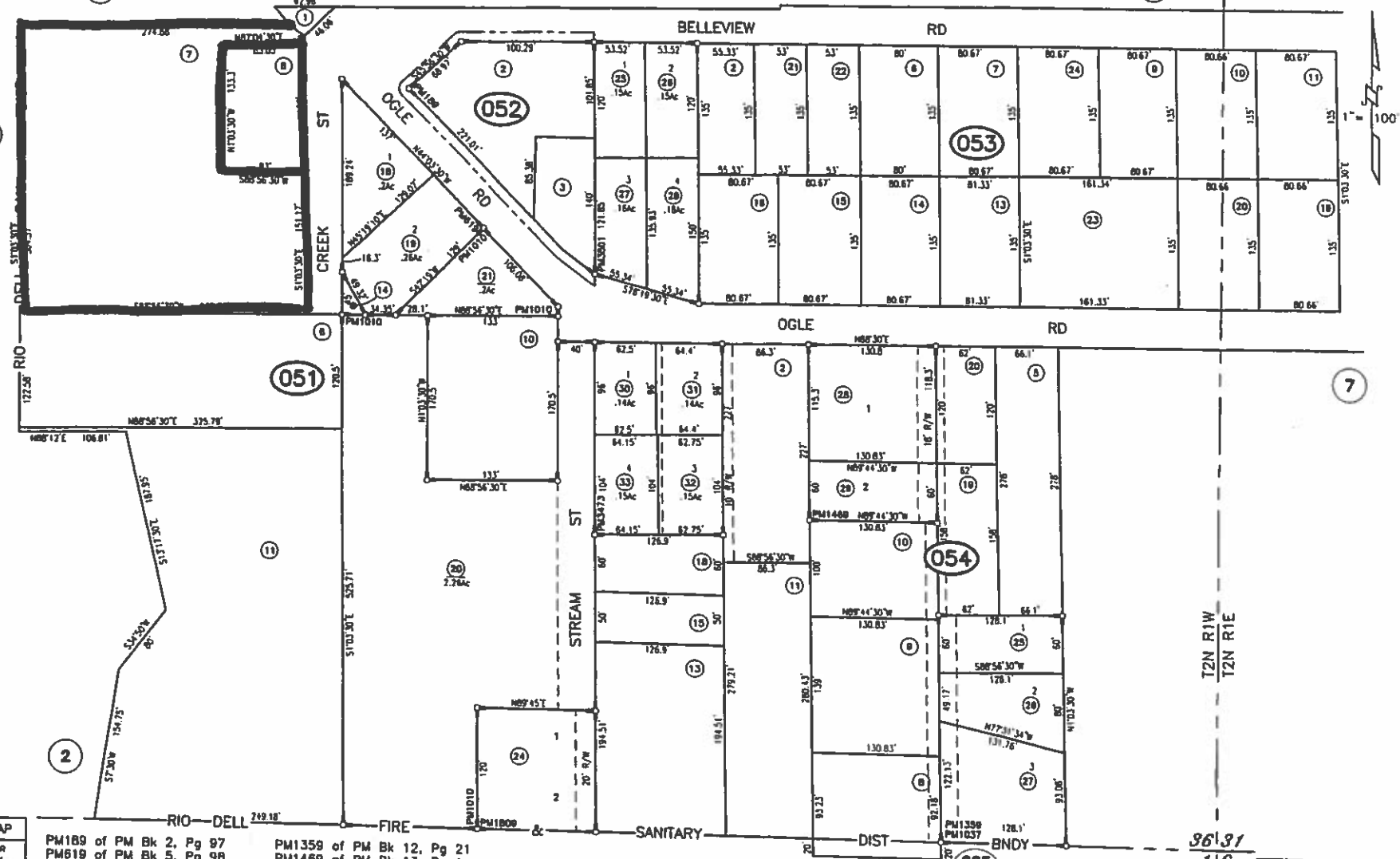
Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot lines adjustment with an average slope of less than 20% and does not result in any changes in land use or density.

Attachments:

- Attachment 1: Maps
- Attachment 2: Creation Deed
- Attachment 3: Urban Residential Development Standards
- Attachment 4: Conditions of Approval
- Attachment 5: Resolution No. PC-091-2015



Nally Lot Line Adjustment; APN's 052-051-07 & -08



ASSESSOR'S PARCEL MAP
1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.
3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

PM189 of PM Bk 2, Pg 97
PM619 of PM Bk 5, Pg 98
PM1010 of PM Bk 9, Pg 13
PM1037 of PM Bk 9, Pg 45
RS, Bk 2A of surveys, Pg 37
RS, Bk 2B of surveys, Pg 60
PM1359 of PM Bk 12, Pg 21
PM1469 of PM Bk 13, Pg 1
PM1809 of PM Bk 15, Pg 150
PM3473 of PM Bk 33, Pgs 150-151
PM3501 of PM Bk 34, Pgs 69-70
RS, Bk 67 of surveys, Pgs 67-68

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk.52, Pg.05
County of Humboldt, CA.

Dec 4, 2009

B2835

52935

RECORDED AT THE RECORDER OF:
HUMBOLDT COUNTY, CALIF.

RECORDED AT THE RECORDER OF:
HUMBOLDT COUNTY, CALIF.
BOOK 679, PAGE 358
MAY 23 9 01 AM 1962

AND WHEREAS WE TO
Donnell C. Hobbie
Wife 1, Box 403-A
Portlana, California

HUMBOLDT
Grant Deed

SECTION 27 AND 28

ATA PG 1

By this instrument dated March 23, 1962, for a valuable consideration,
EMILIE H. HOLLY and RUTH A. HOLLY
husband and wife,
hereby GRANT(S) to

LORELL J. HOBIE and HANDED P. HOBIE
husband and wife as joint tenants,
the following described real property in the State of California, County of Humboldt:
That portion of the Southeast quarter of the Southeast
quarter of Section 36, Township 2 North, Range 1 West,
Humboldt Meridian, described as follows:

Beginning at a point located 679.80 feet North and
936.41 feet West of the Southeast corner of Section 36;
thence South 88 degrees 56 1/2 minutes West 83 feet;
thence North 1 degree 31 1/2 minutes West 13.3 feet;
thence North 87 degrees 04 1/2 minutes East 83.05 feet;
thence South 1 degree 03 1/2 minutes East 136 feet
to the point of beginning.



STATE OF CALIFORNIA
HUMBOLDT
March 23, 1962
I, Donnell C. Hobbie, County Clerk of Humboldt County, California, do hereby certify that the foregoing is a true and correct copy of the original as the same appears from the records of said County.
Donnell C. Hobbie, County Clerk
Humboldt, California
By Commission Expires December 2, 1964

APL
052-051-08



17.20.030 Urban Residential or UR zone.

The purpose of the urban residential or UR zone is to provide neighborhood residential areas with varying densities for single-family dwellings. The following regulations shall apply in all urban residential or UR zones:

- (1) Principal Permitted Uses.
- (a) Detached single-family dwellings.
- (2) Uses Permitted with a Use Permit.
- (a) Attached dwellings with a minimum lot size of 4,000 square feet;
- (b) Rooming and boarding of not more than two persons not employed on the premises;
- (c) Public and private non-commercial recreation facilities;
- (d) Schools, churches, civic and cultural uses including City offices and day care centers.
- (3) Other Regulations. See Table 17.20.030 for development standards for the urban residential (UR) zone.

Table 17.20.030 .

Development Standards for the Urban Residential or UR Zone	
Site Development Standard	Zone Requirement
Minimum Lot Area:	6,000 square feet
Maximum Ground Coverage:	50%
Minimum Lot Width:	60 feet
Minimum Yard	
Front:	20 feet
Rear:	10 feet
Side:	5 feet
Maximum Building Height:	35 feet

[Ord. 252 § 4.03, 2004 & Ord. 280 §17.20.030(2)(a), 2012]

Conditions of Approval

Approval of the Lot Line Adjustment is conditioned upon the following terms and requirements:

1. The instruments of record as approved by the Planning Department shall be recorded and the lot line adjustment shall be completed within thirty-six (36) months of approval of the lot line adjustment.

Prior to expiration, the applicant or property owner may request extension of the filing deadline by submitting a written extension request and a filing fee as set by resolution of the City Council.

The Planning Director may grant a maximum of three years extension of the filing deadline if the Planning Director finds that the conditions under which the tentative approval was issued have not significantly changed.

2. A Notice of Lot Line Adjustment shall be recorded for the resulting parcels. The following information must be submitted to the Planning Department for review prior to recordation:

(a) A copy of the deeds to be recorded for the adjusted parcels; provided however, that when the parcels being adjusted are held in common ownership, no new deeds shall be required for the preparation of the Notice of Lot Line Adjustment.

(b) A Lot Book Guarantee or Preliminary Title Report current within 6 months or other evidence satisfactory to the Planning Department regarding ownership of parcels.

(c) Completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" forms (these are available from the Planning Department).

3. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) must be submitted for review and approval to the Planning Department.

4. Pursuant to Section 8762 of the Business and Professions Code a Record of Survey monumenting the corners of the new property line(s) may be required. The City Engineer shall not require the Record of Survey if in his opinion any one of the following findings can be made:

(a) The new boundary line(s) are already adequately monumented of record.

(b) The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.

(c) The new boundary line(s) can be accurately described and located from existing monuments of record.

(d) The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.

5. The applicants shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the lot line adjustment have been paid in full if payable, or secured if not payable to the satisfaction of the County Tax Collector's Office, and all special assessments on the parcels must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to submitting the required conditions of approval.

6. The applicant shall grant a 20 foot access and parking easement across APN 052-051-07 in favor of APN 052-051-008.

7. The applicant shall grant a 10 foot wide utility easement centered under the overhead utility line over that portion to be adjusted to APN 052-051-007 in favor of APN 052-051-008.

8. The applicant shall pay the application processing fees within 30 days of billing.

Informational Note:

1. Approval of the Lot line Adjustment does not guarantee that the parcels are suitable for development in accordance with existing and future regulations.

RESOLUTION NO. PC 091-2015



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING THE NALLY LOT LINE ADJUSTMENT**

WHEREAS Baird Engineering submitted an application for a lot line adjustment between 2 parcels of about 75,800 square feet and about 11,180 square feet for Ruth Nally; and

WHEREAS the proposed lot line adjustment will adjust about 3,600 square feet from APN 052-071-008 to APN 052-071-007, resulting in two parcels of about 37,000 square feet and 7,500 square feet; and

WHEREAS the applicant has submitted evidence in support of making the required findings and

WHEREAS the City has reviewed the submitted application and evidence and has referred the project to various agencies for review, comments and recommendations; and

WHEREAS the reviewing agencies have recommended approval or conditional approval; and

WHEREAS staff has determined that the project is Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

WHEREAS pursuant to Section 15305 of the CEQA Guidelines this exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

NOW, THEREFORE, BE IT RESOLVED the City finds that based on evidence on file and presented in the staff report that the proposed lot line adjustment complies with all of the following required findings:

1. That the proposed lot line adjustment is consistent with the City's General Plan; and
2. That the proposed lot line adjustment complies with the requirements and

standards of the City’s zoning regulations; and

3. That the proposed lot line adjustment complies with the requirements and standards of the City’s Building Regulations; and

4. That the proposed lot line adjustment Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the project subject to the recommended conditions of approval.

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of August 27, 2015 by the following vote:

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on August 27, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 091-2015 adopted by the Planning Commission of the City of Rio Dell on August 27, 2015.

Karen Dunham, City Clerk, City of Rio Dell